The GOP's uncivil war

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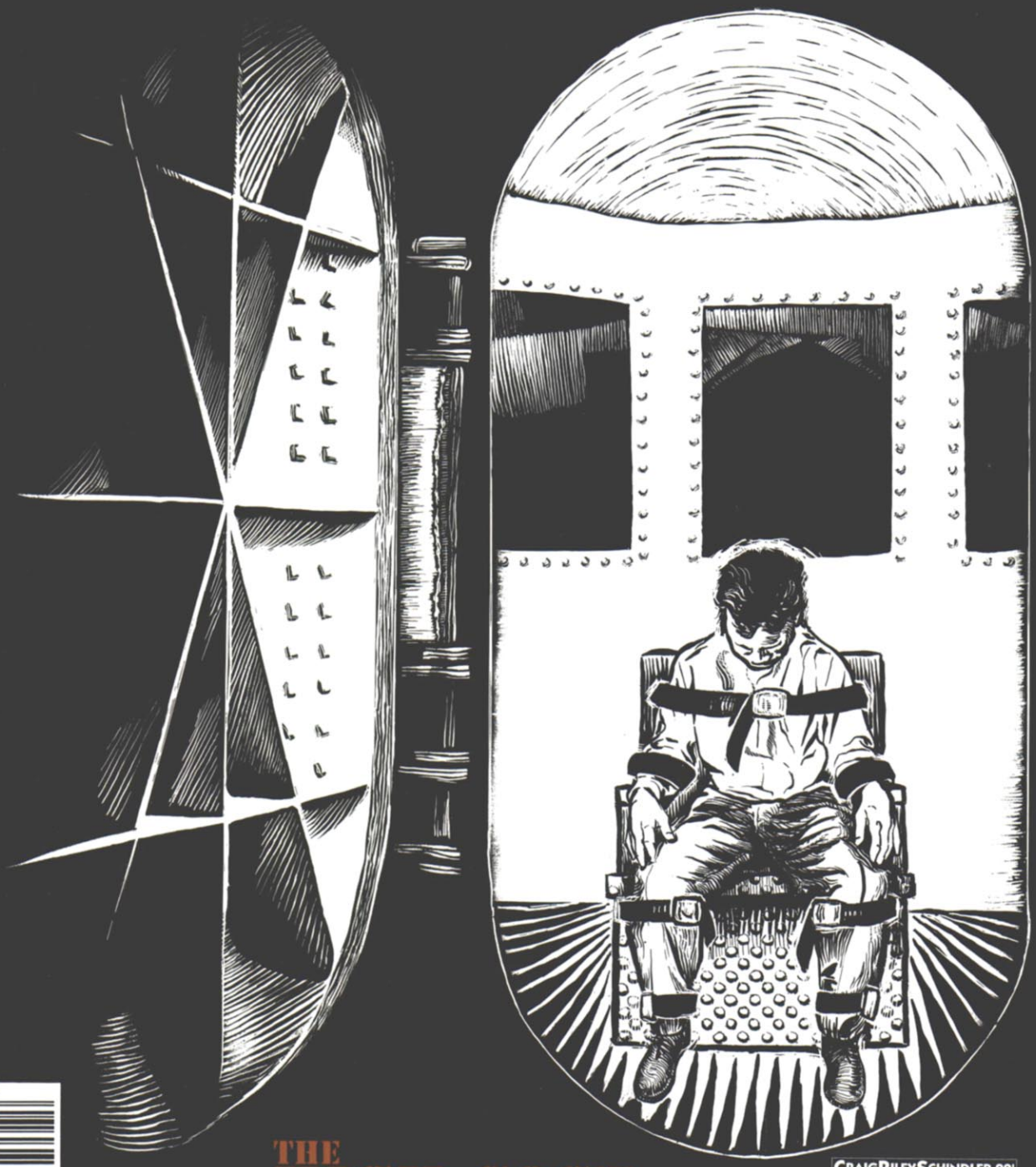

THE HIGH COST OF DEATH

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We don't think the state should go into the health insurance business. But it certainly should reform it.

[THE CASE FOR SMALL BUSINESS INSURANCE REFORM]

With an estimated 6,000,000 uninsured people in California and health care costs rising as much as 20% a year, we're facing a critical problem. There's no question that action must be taken.

Several kinds of solutions are being proposed. Some would create an entire new government body, run by the state, which would form and administer a health insurance pool. For all practical purposes, it would put California in the insurance business.

Another kind of proposal, embodied in Assembly Bill 3657, sponsored by Paul Horcher (R-Whittier) and Bruce Bronzan (D-Fresno), would harness the capabilities and resources of all the many private health insurance entities already operating in the state. Rather than start from scratch, it would reform the entire industry and require that everyone cooperate for the general welfare.

Perhaps the most important fact to understand is that 87% of California's uninsured are working people and their dependents. These people could be provided decent, affordable health insurance if only a system were organized to create large insurance pools that spread the risk widely.

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The Horcher/Bronzan Bill, A.B. 3657, is an aggressive reform that requires all insurance entities doing business in California to create pools of individuals working for small businesses. It outlaws all forms of blacklisting and redlining, and guarantees the inclusion of all small businesses, even those engaged in hazardous enterprises.

By spreading the risk over many lives, small businesses can enjoy the same benefits and cost advantages that large groups already have.

A.B. 3657 (Horcher/Bronzan) is a commonsense approach that applies the basic principles of insurance. An approach that has the support of Blue Cross and other major health insurance carriers in the state. And, very important, this is a program that could be instituted almost immediately.

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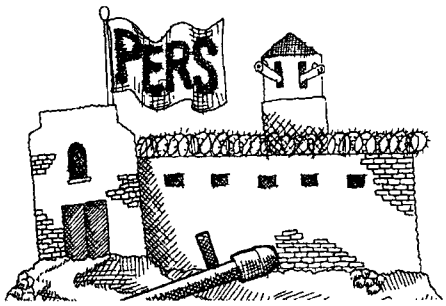

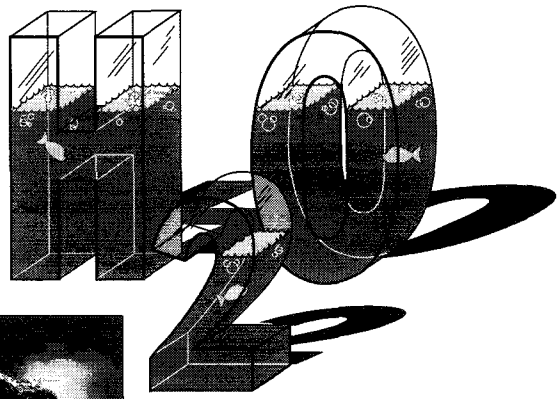

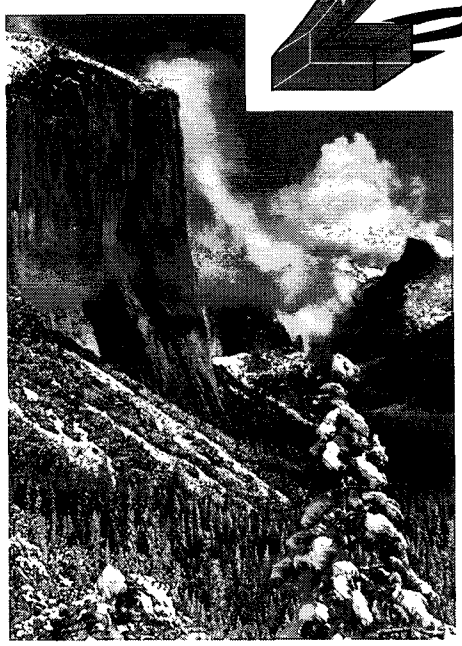

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UP FRONT

The lawn sign goes high-tech. Those old cardboard signs that blow over with the first breeze or curl up in a heavy mist may soon be a thing of the past. Patriot Signage of Cincinnati is now making signs printed on white plastic bags that slip over a wire frame that, according to a company press release, "is easily inserted into the ground, regardless of soil conditions." Perfect for the candidate who runs for the Assembly this year, the Senate next year, Congress or mayor two years down the road. Just discard the bag, save the frame, print a new message — and the game's afoot once more. Prices, they claim, are competitive.

They're big, they're bad and they're getting old. The post World War II Baby Boomers have been threatening to change things in the country for about 25 years now without a great deal of success; unless, of course you consider Dan Quayle — the first boomer to reach national office — a success. And at least a couple of boomers from Sacramento think its time things changed. Boomers are by far the largest segment of the country's population, are of voting age and are ready to make a difference, according to the release from Baby Boomers United — with the heart. Apparently the way boomers should begin to change things is by sending a message that we've had enough of "the good old boys network" by voting for Jerry Brown in the Democratic presidential primary. Oh, never mind.

Attorney general alien space baby. Mind you, we don't read this stuff, but it was brought to our attention that California's very own attorney general, Dan Lungren, was recently a featured guest columnist in the *National Enquirer.* It seems that Lungren offered the "con" position to that often-asked question, "Should death row inmates be allowed to have kids?" The "pro" position was taken by Paul Comiskey of the Prisoners' Rights Union in support of a lawsuit by San Quentin death-row inmates who believe they should be allowed to procreate, either naturally or artificially. The magazine quotes Lungren saying the suit "is one of the cruelest hoaxes to be played on the loved ones of victims." Just for the record, Lungren's office said he did not write the item specifically for the *Enquirer.* Rather, it was rewritten by the magazine from "The Lungren Letter" — a column that the attorney general sends out to newspapers around the state.

Maybe a roadside rest? San Diego Councilman Ron Roberts thought he had a sure winner when he suggested naming a portion of still-to-be-completed Route 56 after baseball Hall-of-Famer Ted Williams. After all, Williams was a hometown boy who went to Hoover High and played for the Pacific Coast League San Diego Padres before going on to become a six-time American League batting champ with the Boston Red Sox and the last major leaguer to hit .400. Okay, so he hasn't lived in town for 60 years, he was still one whale of a ballplayer. And he was due to visit later this summer when San Diego hosts the annual Major League All-Star Game. But one other member of the council, Abbe Wolfsheimer, had other ideas. She represents the district where Route 56 will be located and she thought the freeway should be named after a true San Diego hero, none other than Governor Pete Wilson. According to the *San Diego Union-Tribune,* Wolfsheimer said she believes heros are people "who exhibit great brains and not great brawn." Apparently others on the council felt that argument excluded Pete Wilson from consideration as well, since they voted 7-1 to recommend that the road be named after Teddy Ballgame.

Rose King, the political consultant who heads up the firm known as "Directions," objected to our referring to Assembly candidate Terry Curtola's campaign as "Stone Age" (see *CJ,* May 1992). "Terry and I were surprised to learn that the ripe old age of 52 qualified us for the dark ages," King wrote. "We thought we were the generation that pioneered political activism in the '60s (Terry was elected to the city council at the age of 29, while I was busy running the 'Recall Reagan' campaign)." King and Curtola were schoolmates at St. Vincent's in Vallejo, and Curtola is one of King's clients this year.

Deirdre Alpert, the Democrat from San Diego who defied all odds in 1990 by winning a solid Republican Assembly seat, says she's developed some empathy for presidential candidate Bill Clinton, especially Clinton's admission that he smoked marijuana while a student at Oxford, England, during the 1960s — but didn't inhale. Seems Alpert put her name on an Assembly bill aimed at protecting religious symbols placed on public land. In this case, the symbols are a couple of crosses atop Mt. Helix and Mt. Soledad in San Diego County. Alpert even trekked to the top of Mt. Helix to visit the cross. In a carefully worded statement at a press conference on the mount, Alpert dwelt on the historical significance of the cross. But she never mentioned the bill. That's because she had already decided to abandon it. The reason: The bill dealt with the First Amendment, and Alpert interpreted its language as threatening a woman's choice on abortion.

"The means by which Providence raises a nation to greatness are the virtues infused into great men."

— Edmund Burke upon the death of William Pitt, the Elder

Come across a blurb lately that's nosy, newsy or smartalecky about California government, politics or politicians? Share it with the Journal. *We pay up to $25 for entertaining tidbits published in "Up Front." So, rush your items to Up Front, 1714 Capitol Avenue, Sacramento, CA 95814. Sorry, submissions cannot be returned.*

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ROSTRUM

Robert Lagomarsino

Concerning your analysis of the 22nd Congressional District primary (see *CJ*, May 1992), on what factual basis is the claim made that my primary opponent has "stronger environmental credentials?" Michael Huffington has never held public office and has *no* record. While he claims to be against offshore oil, he owned three active offshore oil leases in the Santa Barbara Channel, selling them off to a foreign conglomerate after deciding to run for office. His hundreds of millions of dollars in fortune come from Texas oil interests. My record, on the other hand, is both strong and consistent. Just last week, the Bush administration agreed to my request to drop its planned sale of 87 Central California offshore leases. I also convinced the major oil companies to stop shipping Alaskan oil through the Santa Barbara Channel. I created the Channel Islands National Park, wrote the law forcing offshore oil platforms to clean up their emissions and created a wilderness in the Los Padres National Forest. These are real actions — not symbolic of last-minute political posturing. Second, until creation of the 22nd District, I have never run in or had a congressional district with a Republican majority. Many rank my current 19th District as "leans Democratic."

ROBERT LAGOMARSINO
Member of Congress
19th District

David Dreier

For the record, Congressman David Dreier, as chairman of the California Congressional Target Committee, has not endorsed any one candidate in any open primary race (see *CJ*, May 1992, 42nd Congressional District). In fact, in all races he has encouraged many different candidates to run to attract the strongest and best candidates for the general election.

JOHN KILLE
Press Assistant
Congressman David Dreier

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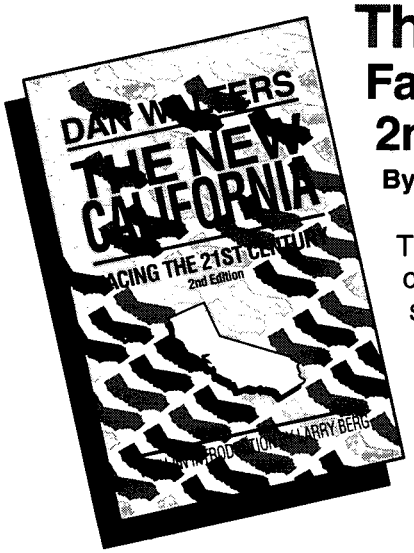

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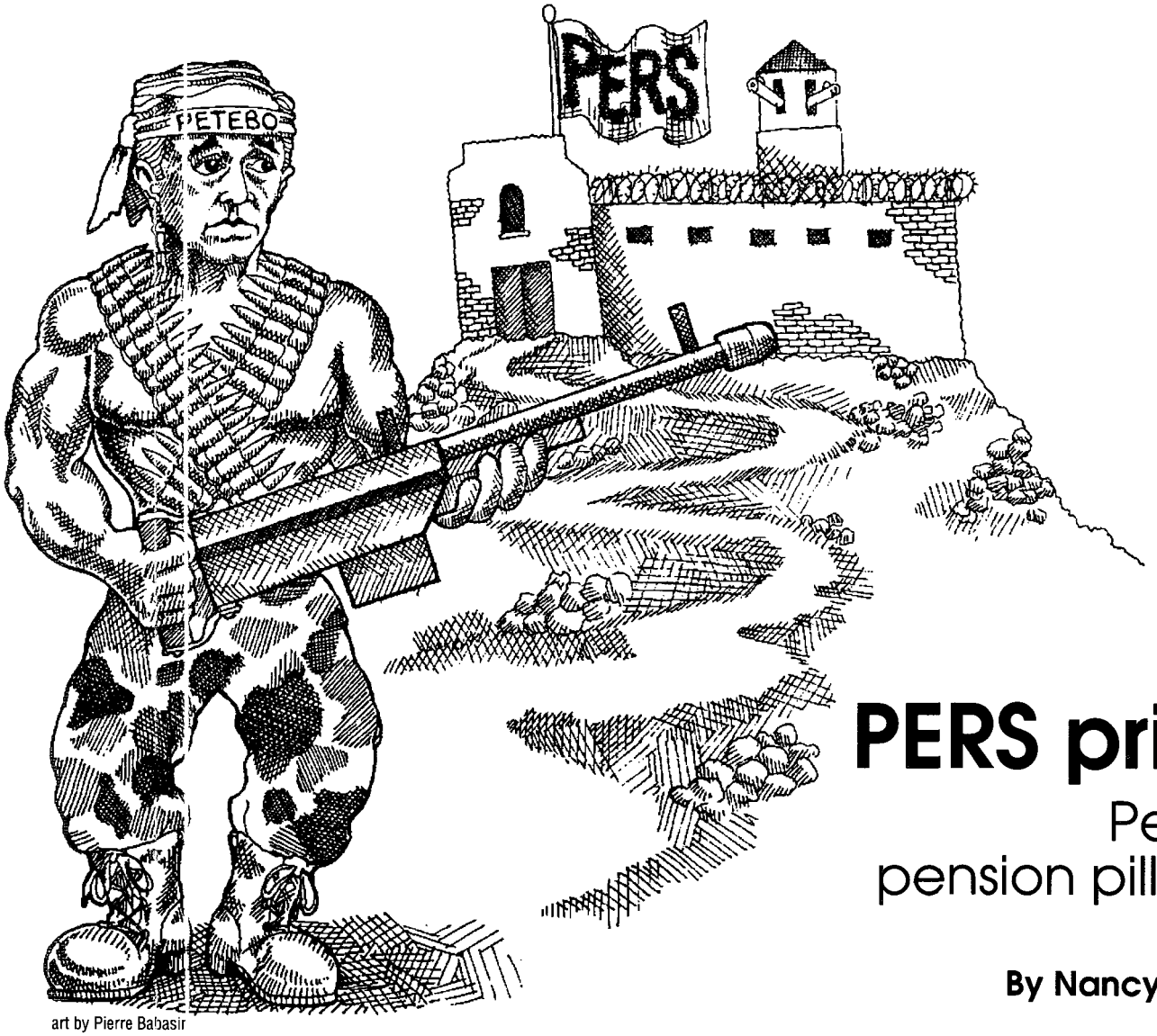

art by Pierre Babasir

PERS prize

Pete's pension pillage

By Nancy Vogel

When Governor Pete Wilson used $1.9 billion from California's public employee pension fund last summer to help balance the state's budget, he called it "reform." Furious workers and retirees called it a "raid." And pension experts across the country described it as the most egregious example of a disturbing trend. But all agreed it was a desperate move borne of desperate times.

"It's the Jesse James school of budgeting," said Assemblyman Dave Elder, a Long Beach Democrat. "The state needed the money."

Last June Wilson and the Legislature confronted an estimated $14.3 billion breach between income and expenses, a deficit bigger than the entire budget of the state of Pennsylvania. They raised taxes, cut welfare grants, reduced state workers' salaries, then turned irresistibly to the swollen accounts of the California Public Employee Retirement System, or PERS.

With 850,000 members and assets worth $67.5 billion, PERS is the largest state public employee fund in the country. Its members work for the state, for schools in non-teaching jobs and for myriad public agencies from cities to irrigation districts. PERS figures out how much money is needed today to provide retirement benefits for workers tomorrow, then collects money from employees and employers accordingly and invests it.

The system's investments flourished in the bull markets of the 1980s, so much so that some of its earnings were siphoned into two accounts to boost the benefit checks of its oldest and poorest retirees.

During last summer's budget crunch, armed with urgency-status AB 702, the

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Nancy Vogel is a reporter for The Sacramento Bee.

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Legislature and Wilson seized the $1.9 billion in those accounts and wrought several other major changes to PERS — changes that have troubled its managers and inflamed powerful public-employee groups unaccustomed to losing at the Capitol.

"There are personal and working relationships damaged over the passage of that bill and I don't think they're going to heal anytime soon," said Tom Branan, an editor and publisher of the *Public Retirement Journal.*

"We had over 400 bills that we followed during the year that had some impact on PERS," said PERS assistant executive officer Sandra Lund. "This one bill, which we didn't have time to follow, happened so quickly and had a greater impact on us than all the other bills combined."

The key provision of AB 702, sponsored by Assemblyman Nolan Frizzelle, a Huntington Beach Republican, permitted the state to take the $1.9 billion and use it to offset future payments to PERS. But AB 702 also gave the governor greater sway over PERS actuaries — the people with the power to decide how much the state must pay into the fund every year. What's more, AB 702 states that PERS funds may be used in the future to reduce employers' contributions, not just to provide benefits. It forces new state employees into a retirement plan with lesser benefits. And it removes the current formula used to determine how much state workers pay for health care, forcing them to negotiate a new formula with the state at the bargaining table.

"AB 702 was a brilliant, masterful coup on the part of the administration," said Robert Wilson, president of the 40,000-member Retired Public Employees Association.

In a February decision that stunned employee groups and thrilled the administration, a three-judge panel of the Third District Court of Appeal upheld the "coup," declaring the taking of the $1.9 billion lawful.

"We're all shocked," said Sheena Wolfe of the California State Employees Association. "It was a complete loss. They ruled against us on every level." CSEA has petitioned for a rehearing of the case and may appeal to the state Supreme Court, she said.

Nationwide, pension experts point to AB 702 as yet another example of a short-sighted but increasingly popular practice among politicians: to avoid the political hazards of raising taxes by using pension funds. To get revenue, lawmakers may take the money directly, delay or skip payments, switch accounting methods or change actuarial assumptions about such things as investment returns or the size of people's salaries.

"More and more, public employers see trust funds as slush funds," said Arnold Schneider, executive director of the American Association of Classified School Employees. At a February conference in Sacramento called "The Turmoil in PERS," Schneider ticked off recent examples in which pension funds were either underfunded or used for purposes other than providing benefits in Oklahoma, West Virginia, Maine, Alabama, Kansas, Arkansas, Illinois, Texas and New York.

"More and more, public employers see trust funds as slush funds," — Arnold Schneider.

Some pension fund experts say they fear Wilson's maneuver with AB 702 could be repeated elsewhere because it has thus far survived court challenges.

"It's important to every public pension fund in the state, and the nation, of course, is watching it like mad," said PERS attorney Joe Wyatt.

Others say the PERS case is unusual because few funds use separate accounts to pay cost-of-living increases, like those taken by Wilson.

Tampering by politicians is nothing new to PERS. In 1990 Governor George Deukmejian, with the consent of the PERS board, delayed and reduced $445 million worth of payments to help the state through a budget crisis. And in 1982 Governor Jerry Brown withheld three months of contributions to PERS — worth about $180 million — and ordered PERS to make up the shortfall with some of its nearly $1 billion in reserves.

In a decision that employee groups leaned upon in trying to undo AB 702, the Third District Court of Appeal declared Brown's move illegal and forced the state to pay PERS. Two of the same judges who heard that 1982 case sat on the panel to hear the AB 702 case, but they drew distinctions between the two situations. Some watchers question those distinctions and the entire decision.

"I would suggest that it was a political decision," said PERS attorney Wyatt, who argued before the court that the state taking the $1.9 billion was like an armed man robbing a bank and ordering a teller to apply it to his mortgage. "There is an old axiom among lawyers that hard cases make bad law," he said. "I think I can add my own corollary now: Hard times make bad law."

David Tirapelle, head of the state Department of Personnel Administration, said a court decision forcing the state to return the money would have been "catastrophic." AB 702 saved the state $560 million this year, he said, and roughly $200 million more is left to put towards next year's payments.

"Public employee groups better hope their appeal doesn't work," said Rebecca Taylor, vice president of the California Taxpayers' Association, a group long critical of PERS benefits. She noted that any more blows to the state budget will likely knock out jobs.

How much the appropriation of the $1.9 billion may cost PERS in lost investments is speculation, said PERS executive Robert Walton. "Most people accept that we'll earn between 8 and 9 percent on our money," he said. "If you accept that, it's a fair loss on the $1.9 billion. Doesn't it make more sense to borrow with a state bond at 5 percent interest than to 'borrow' from PERS at 8 percent or higher? The difference is the bonds require a vote of the people."

Ed Friend, a public-sector actuary in Washington, D.C., said the loss of $1.9 billion would not seriously harm PERS' investment capacity. Instead, he said, "what this represents is a loss of employees' faith in the intention of the government to give them the best [cost-of-living] program."

Explanations as to why the governor targeted PERS in the budget crisis range from perceptions of its board of directors as arrogant to the influence of the California Taxpayers' Association.

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Cal-Tax issued a report criticizing state pensions as overly generous in March 1991, about the same time Wilson watched estimates of the 1991-92 budget deficit balloon from $10 billion to $12.6 billion.

But the most powerful motivators, no doubt, were the incredible pressure on lawmakers to forge a budget and the sheer size of the PERS accounts.

"We're sitting here with $64, $65, $66 billion," said Walton. "Who else has funds?"

Wilson and PERS skirmished months before AB 702 passed. In early spring, the governor asked the PERS board to raise its expected rate of return on investments by 1 percent so the state could save about $316 million. When his request was rejected, he tried to transform the 13-member board into a nine-member board dominated by his own appointees. Vehement opposition by labor groups and the current PERS board eventually killed that proposal.

Then came the "pit bull" letter. Upset by the Cal-Tax report that described public-employee pensions as the "fiscal equivalent of gutter flooding," six PERS directors sent letters to the large corporations that support Cal-Tax, cautioning them that unless they withdrew their support for the non-profit research group their businesses could face "protracted economic sanctions."

"Cal-Tax behavior in this matter reminds one of a pit bull dog, trained to attack public employees," stated the letter. Wilson used it to bolster his claim that the PERS board was out of control.

In mid-June, Bill Ellis, president of the PERS board of directors, sent a letter to the governor offering to let the state use the $1.9 billion in exchange for greater independence. (PERS is a state agency). But the governor never responded, said Walton. "We're told we put too many pre-conditions in it," he said.

With pressure building to pass a budget and the administration warning that some 20,000 state workers could be laid off unless the PERS funds were taken, AB 702 passed the Senate 27-12 and the Assembly 56-18.

"Essentially what happened is that they thought they'd get through this crisis," said Elder, chairman of the Assembly Public Employees, Retirement and Social Security Committee. Observers say Elder who voted against AB 702, was one of the few lawmakers who thoroughly understood the bill.

"On a cynical level, if they figure the thing is flawed and it blows up in the courts, they basically got a loan," he said. "But the problem is the crisis is not going away."

Specifically, AB 702 eliminated two separate accounts, the Investment Dividend Disbursement Account (IDDA), created in 1982, and the Extraordinary Dividend Disbursement Account (EPDA), which funded only one payout in 1991 before being wiped out by AB 702.

To grasp how IDDA and EPDA worked, one must understand that interest accrues differently on the money collected from employers and that taken from employees' paychecks. The employers' money (the state alone contributes roughly $1 billion a year to PERS) is credited at the actual rate it earns on the market, be it 3 percent or 13 percent. The employee accounts, on the other hand, are credited at the rate actuaries expect investments to earn, a

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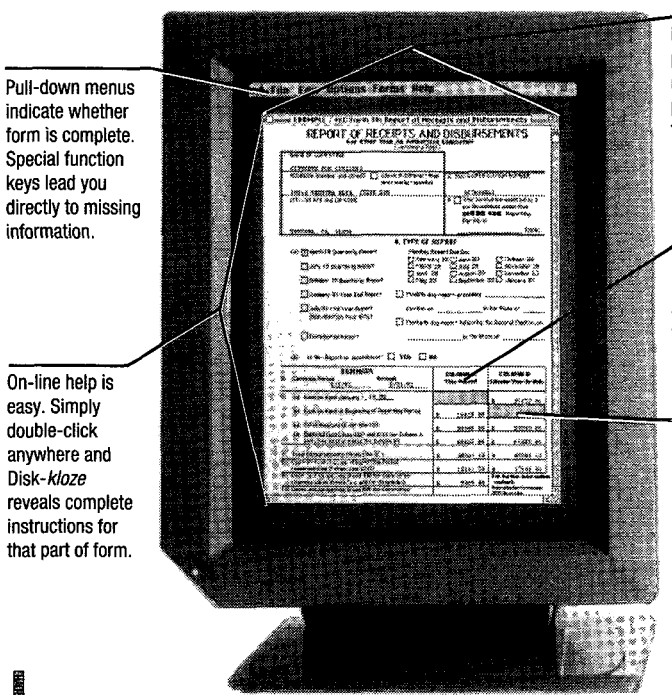

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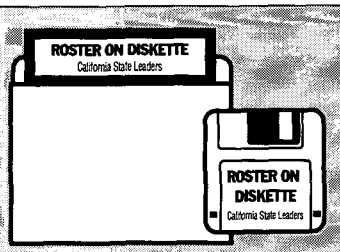

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rate known as the actuary rate and now set a 8.5 percent.

When the money in employee accounts earned more than 8.5 percent, as happened consistently through the 1980s, the excess spilled into IDDA. The money was then used to issue the checks that boosted inflation-ravaged pensions to 75 percent of their original purchasing power. The average monthly benefit for a PERS retiree in 1990 was $688.53, and the average IDDA check was $130. Most people were retired about 10 years before they became eligible for IDDA, said Walton.

In 1988 the Legislature created EPDA to catch IDDA's spillover. EPDA checks averaged $38 a month and were sent out after everyone eligible had received IDDA benefits. The sole EPDA disbursement in 1991 pulled retirees to 80 percent of their pensions' original purchasing power.

When Governor Wilson signed AB 702 on June 30, 1991, IDDA contained about $1.2 billion and EPDA held $736 million. The new law wiped out the accounts and directed PERS to use the money to offset employers' contributions until it was depleted.

To replace the IDDA and EPDA benefits — something the Wilson administration argued in court it does not have to do but chose to do — AB 702 creates a new benefit, the Purchasing Power Protection Allowance, or PPPA. The PPPA is funded by skimming 1.1 percent a year from the net earnings on employees' contributions, and it increases eligible retirees' monthly checks up to a maximum of 75 percent of original purchasing power. Anything left over is to be transferred to employer accounts to help offset their payments.

The Wilson administration argues that the new PPPA benefit is superior to IDDA and EPDA because it is a vested right that PERS members can count on, whereas IDDA and EPDA were only available with unusually high investment returns and probably would have exhausted themselves within a decade. PERS managers contend IDDA and EPDA could have continued indefinitely. And employee groups say the new PPPA is inferior because when inflation rises above 5 percent, not enough money will be available to bring everyone to the maximum 75 percent of their original purchasing power.

"The people who are 65 now would have had IDDA until they died," said PERS executive Sandra Lund. "Now they see under the PPPA they may not get 75 percent. They don't care about me, that I'll have something when I retire. It's not making it for them today. So from their point of view it's not an even trade."

Another significant aspect of AB 702 shifts the power to select the pension fund's actuary from the PERS board of directors to the governor. The people who calculate how much employers must contribute to PERS will now be private employees of a firm chosen by the governor, not PERS' in-house actuaries.

Wilson's lawyers argued in court hearings that the shift was necessary to keep the actuarial functions independent of a retiree-dominated board that is prone to sweetening benefits at taxpayers' expense. But others fear the new setup will allow Wilson to jigger actuary calculations in a way that will help the state and hurt the fund.

"The potential for abuse is real and very scary," said Schneider.

Last fall Wilson chose the New York-based firm of T.P.F. & C. for the task, but in January the Legislature failed to confirm the selection, as is required under AB 702. Assemblyman Elder said that the rejection had less to do with the firm itself than with the disturbing notion of "serving two masters."

"T.P.F. & C. actually said, 'We will balance the needs of the fund with the needs of the state,'" said PERS attorney Wyatt. "That sounds great until you realize that they are under a constitutional, fiduciary responsibility to work solely in the interests of the beneficiary. To put the actuary under the control of somebody who has the duty to cut costs is an irreconcilable conflict."

While the challenge to AB 702 wends its way through the courts, frustrated public-employee groups hope to shield pension funds with a November ballot initiative called the California Pension Protection Act of 1992. The measure would give retirement boards "sole and exclusive" responsibilities for fund assets. It would place a board's duty to provide benefits above a duty to minimize employers' costs. And it would block politicians from choosing a fund's actuary. Enough signatures have been gathered to place the measure on the ballot, said Jay Baggett of the California Taxpayers for Pension Protection.

"We're shutting the barn door after one of the horses got out," he said, "but there are a lot of horses in there."

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The High Cost of Death

By Don Babwin

On Easter morning, April 19th, newspapers all over the country were plastered with headlines about a judge's order to stay the execution of condemned murderer Robert Alton Harris — the first person slated to die in California's gas chamber in 25 years. It was only the latest delay in a case that already had bounced around the courts for nearly 14 years, and angry state officials reacted by saying they would appeal the stay immediately — as in Easter Sunday — to a federal court. And, the stories indicated, the losers in that appeal would take their case to the U.S. Supreme Court the very next day.

Translation: The financial tab on a case that had cost millions of dollars was going to climb at least a little higher, and could have gone a lot higher had the federal high court not put an end to the process. Harris died in San Quentin's gas chamber just after 6 a.m. on Tuesday, April 21st, his last appeal having been emphatically rejected by the Court less than an hour earlier.

To be sure, when talking about the ultimate punishment, there are more important aspects to consider than money. But with more than 300 residents of San Quentin's Death Row all waiting in the wings with their own lengthy and costly appeals, the death penalty represents a major financial strain on an already strapped state budget. Opponents of the death penalty say to execute the prisoners already on death row would cost $1 billion. Ironically, while proponents of the death penalty say much of that money finances unnecessary and frivolous

Don Babwin is a reporter for The Press-Enterprise *of Riverside.*

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appeals, opponents argue that recent developments in the appellate process will mean a shortage of cash needed to finance these cases.

Capital cases are rarely quick and never cheap. For example, while Harris' long legal odyssey generated headlines, the longest resident of death row, Andrew Edward Robertson, is still well back in the appellate pipeline — at the point Harris occupied a decade ago. The cases, which are meticulously researched, may take years to prepare. Just getting to trial may take years. Warren James Bland, the suspected murderer of a 7-year-old South Pasadena girl, has been sitting in county jail for more than five years. His trial in Riverside has yet to begin.

The trials themselves are expensive. In Riverside County, for example, police recently arrested William Suff, a man suspected of killing prostitutes and drug users. It is a good bet that the trial will include a parade of experts dealing with everything from DNA (did Suff rape the women?) to child abuse to answer questions about Suff's past. One county official estimated the case may cost as much as $5 million to $10 million. A complicated murder case might include the testimony of psychiatrists, toxicologists and pathologists. If one side calls such a witness, it is a safe bet the other side is going to call its own "expert" to the witness stand. All of these witnesses cost money.

But how much money is not easy to determine. Defense costs, for example, are confidential until a case becomes final — in other words, until the sentence is carried out. Thus, prosecutors have no way to review defense costs for a single resident of Death Row. The only time prosecutors were able to find out defense costs involved an inmate, Joselito Cinco, who hanged himself a few months after being sentenced to death for murdering two San Diego police officers.

Not counting what Cinco's two attorneys charged San Diego County to defend him, the bill was more than a half-million dollars, according to Richard Neely, the San Diego County assistant district attorney who prosecuted the case. Add what the defense attorneys charged, and the cost to defend Cinco easily reached $1 million, Neely said. That figure does not include what the district attorney's office spent to prosecute Cinco. Neely could not estimate how many hours he spent on the case but said for the eight months it took to try the case, prosecuting Cinco was his job.

At the time Cinco killed himself, his case was in the earliest stage of the appellate process. Legal experts say the appeals are much more expensive than the initial trial. In the Harris case, for example, the attorney general's office spent $750,000 and devoted some 6000 attorney hours to the appeals, according to David Puglia, a spokesman for the attorney general's office.

Capital cases can devastate local economies. "We could not fund one at this point," said Don Hemphill, the auditor of Sierra County, "We might have to cut police, very possibly, and other services."

Hemphill said the county had several capital cases in the 1980s and managed to pay for them. He said the state picked up the bulk of the $500,000 to $700,000 it costs to prosecute the cases, with the county's share 10 percent of that. To a county of 3500 permanent residents, $50,000 to $70,000 is a lot of money, he said.

"The only thing that saved us was the economy was well," Hemphill said. Like other counties throughout the state, the economic picture has changed for the worse in recent years.

Until recently, counties were reimbursed by the state for defense costs other than attorneys' fees, with the cost of experts and tests being paid for through what is called "987.9 funding" from the state. But that source of money is gone.

"As of about a year ago, that fund dried up," said Elisabeth Semel, a San Diego attorney who has handled death penalty cases. "Counties now have to dig into their own pockets."

In Siskiyou County a few years ago, the fund provided a $266,000 reimbursement from the state, according to Dave Elledge, the county's auditor-controller. For a county with a general fund budget of about $23 million, said Elledge, "That's a lot of money."

"I don't know how we would come up with that," Elledge said. As in Sierra County, Elledge said such a case without special funding from the state would likely mean pink slips for some county employees.

As for the state, the death penalty is a financial drain. In 1989 *The Sacramento Bee* reported that the state could save $90 million a year by abolishing the death penalty. Critics such as Semel say there is no reason to believe that figure would not be even greater today. Considering that it costs the state $24,600-a-year to house a prisoner in San Quentin, according to the state's Department of Corrections, a 40-year stay costs $984,000. Pat Clark of the anti-death penalty group, Death Penalty Focus, said studies show a capital case costs anywhere from $1.8 million to $45 million.

But proponents of the death penalty counter that costs are high because convicted death-row inmates file frivolous, repetitious claims in federal court. These, said David Puglia, drive costs up. Besides, said Puglia, the primary goal of the death penalty has never been to save money. "The death penalty is appropriate for the crimes that it was put on the books to cover," he said. "That is the reason for the death penalty."

There is growing concern among defense attorneys that contrary to the popular perception that too much money is spent on death penalty appeals, the opposite is true. Defense attorneys say they are being priced out of the appellate process and can no longer afford to take the cases.

"We're not getting paid," siad Andrea Asaro, a San Francisco attorney who is presently handling two death-penalty appeals.

What is happening, say attorneys, is that the state Supreme Court is refusing to reimburse them for what they say are absolutely necessary expenses. In 1990 the Supreme Court adopted "payment guidelines" outlining how much it would pay for various phases of capital-case appeals. For example, attorneys are paid $75 an hour. While the Court maintains that the rate is the highest in the country, it is still considerably below the $200-$300 hourly rate attorneys charge paying clients. And according to a February 1992 article in *The Sacramento Bee*, an appeal should take between 815 and 1830 hours per case.

The Court also detailed the maximum rates it would allow for investigators, psychiatrists, paralegals and others who might assist in the appeals. Asaro said the rate of $125 an hour for a psychiatrist is unrealistic. "A psychiatrist can bill $300 to $350 an hour," she said. That leaves attorneys in the position of having to pay the fees out of their own pockets.

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"You're finding lawyers personally in debt, or refusing to take the cases," said Semel. Asaro said she has spent "thousands of dollars" of her own money on death-penalty cases. Her law partner, Sanford Rosen, was told that a $12,297 bill he submitted for paralegal services was disallowed under the guidelines, according to the *Bee*. Financially, no law firm can handle more than two death penalty appeals, said Asaro. Within the guidelines the Court says it "will provide reasons in writing for fee disallowances of $1000 or more, and expense disallowances of $500 or more."

But, Asaro said, "The reality is they don't need a reason. The only explanation is that [the request for reimbursement] exceeds the guidelines."

Court spokeswoman Lynn Holton said the guidelines were adopted after "extensive Court review and comment from the State Bar, local bars, defense attorneys and the California Appellate Project." Further, she said in a prepared statement read by another Court official, "The Supreme Court follows a careful review process when it evaluates expense claims of court-appointed counsel in capital appeals. Each claim is thoroughly reviewed and nothing is done arbitrarily."

Another development that has defense attorneys worried is the decision by the state Supreme Court to take from the California Appellate Project (CAP) the job of recruiting attorneys to handle the appeals in death-penalty cases. CAP, which had done the recruiting and screening of attorneys, now serves solely as an adviser to the court. The Court said it made its decision because of the growing number of condemned prisoners who were without attorneys. According to an article in the March 25th edition of the legal newspaper, the *Daily Journal*, Associate Justice Ronald George said the Court had to step in because CAP has been "unsuccessful in bringing down the backlog." Since January 1991, George said, the number of condemned prisoners has increased by about 60.

Defense attorneys fear the result will be less-qualified attorneys assigned to death-penalty cases. And George told the *Daily Journal*, "It's our firm intention and desire not to lower the standards."

But attorneys say that has already happened. "The first person they picked was somebody without any complex criminal litigation or appellate experience," said John Cotsirillos, a San Diego attorney who is handling the appeal of convicted murderer Jackson Daniels of Riverside.

The Court's first selection was former Chief Deputy State Public Defender Matthew Newman. According to the *Daily Journal*, Newman "lacks experience in either death penalty or homicide cases..."

Cotsirillos said the guidelines are geared toward experienced attorneys, not attorneys who have never handled complicated appeals. Thus, it is more likely that guidelines might be exceeded, some critics say.

The cost of bringing a convicted felon from crime scene to gas chamber is but one aspect in the growing debate over use of the death penalty. Polls continue to show that a majority of Californians support the death penalty, and reminders about the ultimate cost of such cases are not likely to erode much of that support. But those reminders are instructive, for they show that the price of the ultimate penalty remains high.

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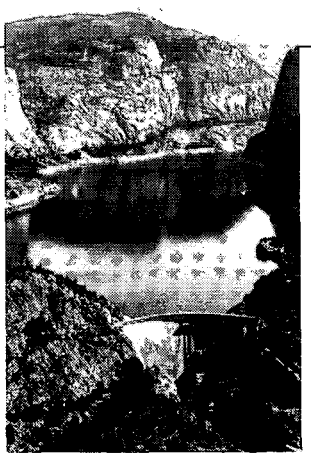

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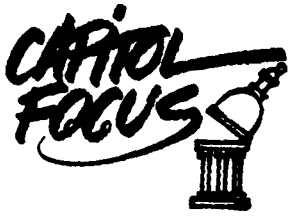

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art by Rob Wilson

Room at the Inn

Prison Population Growth Slows

By John Berthelsen

From the outside, the new California State Prison at Wasco seems to drain light from the landscape. Flat green fields surround its 20-foot unpainted concrete walls, which in turn are encircled by two rows of chain link fencing topped by razor wire.

For Wasco's builders, this is the prison of the future — a $185-million masterwork of efficient incarceration. Inside the bleak, dun-colored facility, jumpsuited correctional officers bearing H&K 94 semi-automatic rifles stand behind computerized consoles in bulletproof second-floor control rooms. The new prison exercises unparalleled control over inmates, reducing escapes and violent incidents against guards and other inmates in California to the lowest rates in 45 years.

Four institutions much like Wasco, each built to hold about 2450 inmates, stand within a 100-mile radius at the southern tip of the San Joaquin Valley. They are called "270 units" because one prison guard, from behind his computer console, has a clear and unobstructed view of 100 cells arrayed in a 270-degree arc around a large central dayroom. Two more prisons are under construction in Southern California, and an additional six have been authorized throughout the state.

But there is a growing question whether these are prisons of the future or relics of an outmoded approach to crime and punishment. That is because California has dramatically slowed the rate at which offenders are going to jail and prison. In June 1991 there were 101,658 inmates housed in California prisons. By March 29, 1992, that figure had grown by fewer than 1000 inmates, to 102,554. After years of double-digit growth rates, California's prison population will have increased less than 1 percent in 1992. Inmate populations are flattening out. And this trend will have a drastic effect on the prison-building program.

This slowdown in growth of the prison population appears to bring to an end an ironic period in American history. While Wall Street was building the bonfire of the vanities at

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John Berthelsen is a former Sacramento reporter who now works for the State Legislature.

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one end of society, authorities at the other were busy sweeping up the social detritus of an increasingly polarized nation — and locking up more men, women and children than at any time in American history. Wasco and its 14 sister prisons built or under construction in California during the decade of the 1980s are the by-product of this era.

By 1991 about 1.1 million Americans were in federal or state prisons or in local jails at a cost of $20 billion a year, according to the Sentencing Project, a Washington, D.C.-based private prison-reform group. With 455 men and women behind bars per 100,000 population, that put the U.S. far ahead of its nearest competitor, South Africa, with a rate of 311 per 100,000. It was even further ahead of the Soviet Union and its infamous gulags.

California's massive prison establishment helped propel the United States to its bleak stature. While the rest of the nation's inmate population was tripling, the state's inmate population quadrupled during the 1980s, to an imprisoned city the size of Berkeley. Some 75,000-odd more offenders are in California's county and city jails, with yet another 8000 in Youth Authority institutions, giving California, with about 11 percent of the nation's population, nearly 17 percent of those in lockup.

California's experience after this feverish decade of prison construction has profound implications for the rest of the United States. California is a trend-setter. And the trend discovered in California? The biggest prison-building program in the history of the world had very little to do with the crime rate. It had a lot to do with politics and a belief that it was possible for California to build its way out of its crime problem. Likewise, today's slowdown in prison building has to do with politics — politics and economic reality. Local and state governments, beset with debt because of the recession and the drying up of federal revenue sharing funds, can no longer afford excessive crime-fighting.

Prior to this spring's Los Angeles riots, knee-jerk crime-busting had begun to slip as an election issue, replaced by concerns over welfare and illegal immigration. The undeserving welfare recipient had replaced 1988 presidential candidate Michael Dukakis' furloughed murderer, Willie Horton, as the bugbear of public political debate. In California, concerns about police protection as a portion of state spending had slipped to eighth place in the public's awareness, according to Mark De Camillo, associate director of the California Poll. Education is first. Prison building has dropped to 13th, with only about a third of Californians saying corrections spending should be increased. Whether the riots alter this equation remains to be seen.

This changing, pre-riots focus has been reflected in prison construction. Today, at Calipatria, in California's southern Imperial Valley, another prison like Wasco stood vacant for months after its completion. It is now being occupied far later than scheduled. A prison at Delano stands temporarily empty. In striking contrast, less than a year ago correctional officials projected that they would have to build 20 to 30 more Wascos before the end of the century in California to house a prison population expected to more than double again by that time.

The fact is that California was sold a bill of goods during the 1980s. If enough new laws were passed, it was reasoned, and enough people were put in prison, the crime rate would drop. California's version of political correctness for the 1970s and 1980s was tough judges, tough laws, and tough punishment exemplified by prison terms with a minimum of rehabilitation programs. To fight what was perceived as a rising crime rate, state and local governments passed hundreds of new laws creating stiff penalties for criminal behavior and drug abuse.

In some ways, the preoccupation with crime was a political perception, fueled in part by a population that was increasing on a steep curve throughout the decade of the 1980s. Although the arrest rate per 100,000 remained relatively stable during the 1980s, the number of those who committed crimes increased. The perception of rampant crime further was aided by highly-publicized crime related to crack cocaine and by drive-by shootings, which acutally added little to the overall crime rate.

"We didn't have to have a crime wave in the 1970s and 1980s," says the staff director of a California-based criminal justice panel. "The public's tolerance for crime decreased. There was a long, continuous period of crime which to the public became intolerable. It became a political issue."

There was no more dramatic example of crime as a political issue than what happened in 1980 to Democratic state Senator Albert Rodda, then 67 and the respected veteran of 22 years in the Legislature. A strong liberal, he had been considered the state's most important influence in public education. But Rodda was unexpectedly unhorsed by a then-29-year-old conservative Republican unknown named John Doolittle. The centerpiece of Doolittle's effort was a $90,000 radio-television campaign that accused Rodda of refusing "to vote on legislation to increase penalties for repeat sex offenders like the East Area Rapist." The so-called East Area Rapist, who was never caught or identified, had been terrorizing a Sacramento neighborhood for months, allegedly committing more than 30 rapes.

The effect of Rodda's defeat on the 120 members of the state Legislature was galvanic. From the date of his loss onward, few lawmakers considered themselves safe without sponsoring a host of anti-crime bills, and voting for hundreds more. Passage of these bills added thousands of inmates to the system, at enormous cost to taxpayers.

Former Governor George Deukmejian was the herald of the state's philosophy of punitive justice. During a long government career, Deukmejian was personally responsible for dozens of crime bills, among them two voter initiatives that alone raised the population of California's prisons by 10,000. Deukmejian fought implacably — and successfully — for restoration of the death penalty after it was voided in 1972 by the courts. In his eight years as governor beginning in 1982, the Legislature sent Deukmejian 350 bills extending or enhancing prison and jail sentences. They encompassed increased penalties for everything from beating an elephant (a misdemeanor sparked by a television report on an animal park) to residential burglary and robbery, manslaughter, murder, certain drug and sex offenses, crimes against defenseless victims, crimes involving the use of a firearm, and many others. Probation was restricted or eliminated for crimes including residential burglary, child molestation, specific sex offenses, arson and other offenses involving the use of firearms.

Deukmejian signed them all.

"I don't think the [legislative] committees are putting out

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any bills today that aren't necessary," Deukmejian said in a 1991 interview that reviewed his career. "I can't recall any specific ones where I would have said, 'We don't need this.'"

Attempts to rein in this flood of anti-crime legislation have persistently failed in the face of potential voter wrath. A recommendation in a legislative report released in 1991 that all new anti-crime legislation contain a cost appropriation to pay for it has so far been ignored. In the 1991 state legislative session, for instance, 39 new measures extending or enhancing punishments for felonies and misdemeanors were signed into law.

Inevitably, California came to need thousands of new prison beds — at an average cost of $95,000 per two-bed prison cell, although California prison policy, usually violated because of prison overcrowding, is to house one inmate in each cell.

So today, California maintains 23 prisons, 10 reception centers, 41 work camps and 60 community correction facilities. It dwarfs the second-biggest prison system in the U.S., the federal government's own, which is little more than half the size. More than one in six of California's 170,000 state employees is in the Department of Corrections.

According to Deukmejian, it was all necessary. "The fact is that if we didn't have these 100,000 inmates in the state system today, they would be on the streets committing more crimes," he says today. "While the crime rate is still too high, nevertheless it would have been much higher had we not gone forward with a stronger enforcement program and making facilities available for convicted criminals."

But California never did build its way out of its crime problem. There were always more prisoners than prisons. By 1990 prison beds filled every gymnasium in every California prison. In 1991 overcrowding was rated by corrections officials at 186 percent of capacity. It was estimated then that at any given time 5000 inmates — the population of two prisons — were doing what inmates call "road time," being transferred from one institution to another.

What effect did this massive lockup have on crime? In contrast to these skyrocketing prison population rates, nothing appears to have changed much in the crime rate per 100,000 of population.

Most crime is committed by those under 29 years of age, particularly males who are poor and uneducated. When the huge mass of baby boomers born between 1945 and 1955 began to age, crime dropped markedly. Most crime peaked in 1980 (at about 3905 reported crimes per 100,000 of population) and began a steady downward trend. By 1985 the index of major crimes — murder, robbery, assault, forcible rape burglary and vehicle theft — dropped to 3142, then began rising slightly in the mid-1980s. By 1990 reports of violent crime had risen to about 3394 per 100,000, although a significant part of that increase was due to the reclassification of domestic violence as aggravated assault, a violent crime.

In fact, arrest rates are likely to surge and decline for manifold reasons that have nothing to do with the laws that are passed. They include the political agendas not only of the Legislature and local governments but of the 490 police chiefs, 58 county sheriffs and 58 district attorneys in California. They also depend to a great extent on discretion — first, for instance, on whether the aggrieved citizen reports the crime. In large numbers of felonies, no complaint is filed. The mugged commuter, the raped date, the driver whose car stereo is stolen, grimly forgets it because he or she doesn't believe the police can or will do anything.

Next, there is the discretion and aggressiveness of the arresting officer, and after that, the discretion of the prosecutor in filing charges, the discretion of the jury, and finally the discretion of the judge in sentencing.

Thus, as accused felons funnel into the system, they drop out in dramatic numbers. California local jurisdictions reported one million felony complaints in 1990. Arrests were made in 577,000 cases. Prosecutors filed charges in 209,000. Of those adjudicated, 169,000 individuals were found guilty and 53,342 were sent to prison.

Now, like the prison incarceration rate, the arrest rate has begun to do funny things that demonstrate how economic or political concerns come into play. The arrest rate began falling in early 1991, at least partly because of an arcane change in the state budget passed in July 1990. California's counties, faced with declining revenues, had asked the Legislature for some relief for their fiscal pain. State lawmakers allowed counties to garner some revenue by collecting fees from cities for each arrestee booked into county jails — the entry point for the vast majority of law violators into the criminal-justice system.

The law went into effect on January 1, 1991, and the consequences were dramatic. According to raw data supplied by the state's Bureau of Criminal Statistics, total arrests for the first six months of 1991 fell by nearly 10 percent over the previous year as cities, faced with stretching their own budgets to pay rent for their prisoners in county jails, cut

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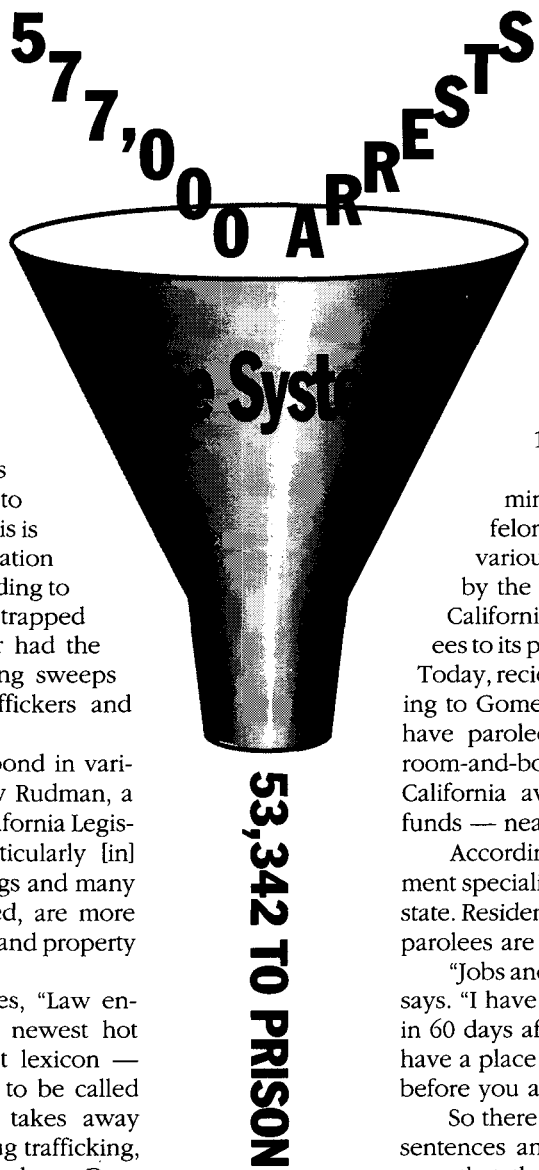
back on aggressive policing.

Many criminologists also are convinced that at least part of the current dip in arrest rates in California, and particularly Los Angeles, occurred because of the shocking videotaped beating of motorist Rodney King by Los Angeles police officers in March 1991. The videotape was widely shown nationwide and caused police to be more cautious in arrests, the criminologists say.



Another reason for the decline in arrests was particularly noticeable in drug and narcotics apprehensions. In the first six months of 1990, 75,968 offenders were arrested for narcotics-related offenses. But in the first six months of the following year, that had fallen to 61,947 — a decrease of 18 percent. This is because, across the state — and the nation — law enforcement agencies, responding to changing neighborhood politics and strapped by diminishing resources, no longer had the money or personnel for wide-ranging sweeps that dragged in low-level drug traffickers and users.

"Law enforcement agencies respond in various ways to communities," says Cary Rudman, a criminal-justice specialist with the California Legislature. "Today many of them, particularly [in] middle-class communities where drugs and many drug-related crimes have now abated, are more concerned about traditional personal and property crime."

Consequently, Rudman continues, "Law enforcement has responded with the newest hot button term in the law-enforcement lexicon — neighborhood policing, which used to be called beat patrols." That, Rudman says, takes away resources from inner cities where drug trafficking, use and drug-related crime takes place. Drug trafficking is continuing unabated in these areas. "The police have just chosen to redirect most of their efforts elsewhere. We just declared victory and got out."

Another reason for California's sudden static prison population came with the new gubernatorial administration in Sacramento. Crime-fighter George Deukmejian was replaced by Pete Wilson, who considers himself a manager of bureaucracies. Not that Wilson wants to project a soft-on-crime image. Faced with a massive fiscal crisis that amounted to nearly $15 billion in 1991 and may hit $12 billion for the fiscal year that ends June 30, 1992, Mr. Wilson is nonetheless embracing tough crime bills that would keep rapists behind bars for at least 18 years and lock up child molesters for life.

Such Wilson-sponsored legislation could add 12,000 prisoners to the system, cost $250 million a year and another $500 million in capital costs for new prisons. Yet another Wilson-sponsored measure would eliminate credit for work in prison against time served, which could cost as much as $1 billion more a year because of the additional time inmates would have to serve, according to state budget analysts.

However, shortly after he took office in January 1991, Wilson appointed as his prisons and paroles czar former deputy corrections director James Gomez, a career bureaucrat who previously served as deputy director of the Social Services Department. While Wilson preached a hard-line message at one end of the system, Gomez flew around the state, reining in overachieving parole officers who were sending great numbers of their charges back to prison for minor violations. The number of parolees on the street has jumped by 14.5 percent.

At the start of the Deukmejian administration in 1983, 27 percent of male felon parolees were returned to prison for various violations. That soared to 67 percent by the time Deukmejian left office. By 1990 California was returning almost as many parolees to its prisons as the other 49 states combined. Today, recidivism has fallen to 44 percent, according to Gomez, who adds that he would prefer to have parolees on the street, seeking jobs. The room-and-board cost of housing an inmate in California averages $24,800 in yearly operating funds — nearly $70 a day each.

Accordingly, Gomez has added state employment specialists to 69 parole offices throughout the state. Residential multi-service centers for homeless parolees are also being established.

"Jobs and housing are two of the keys," Gomez says. "I have an opinion that if you don't get a job in 60 days after parole, you are ours. If you don't have a place to live, it is not going to be very long before you are back in the prison system."

So there is little evidence that the hefty prison sentences and tough parole policy cut the crime rate, that these hundreds of new laws and $2.9 billion in new prisons spent so far have bought anything. Will the crime rate go up? Probably, according to a 1991 study the state's Bureau of Criminal Statistics, although what happens to the crime rate will have precious little to do with criminal justice.

"California, unlike most of the nation, has experienced greater immigration and in-migration of young people. Therefore, California's crime trends of the 1990s will most likely be similar to the late 1970s when the age composition was younger," the 1991 study says.

Thus, the crime statistics agency says its most reliable predictive model forecasts an increase in crime over the next 20 years "due to interactions of demographic factors, increasing economic polarization, and drug use among the underclass and youth populations."

Nowhere among these reasons for increasing or decreasing crimes does the Bureau of Criminal Statistics cite tougher judges, stiffer laws, longer prison sentences or better prisons.

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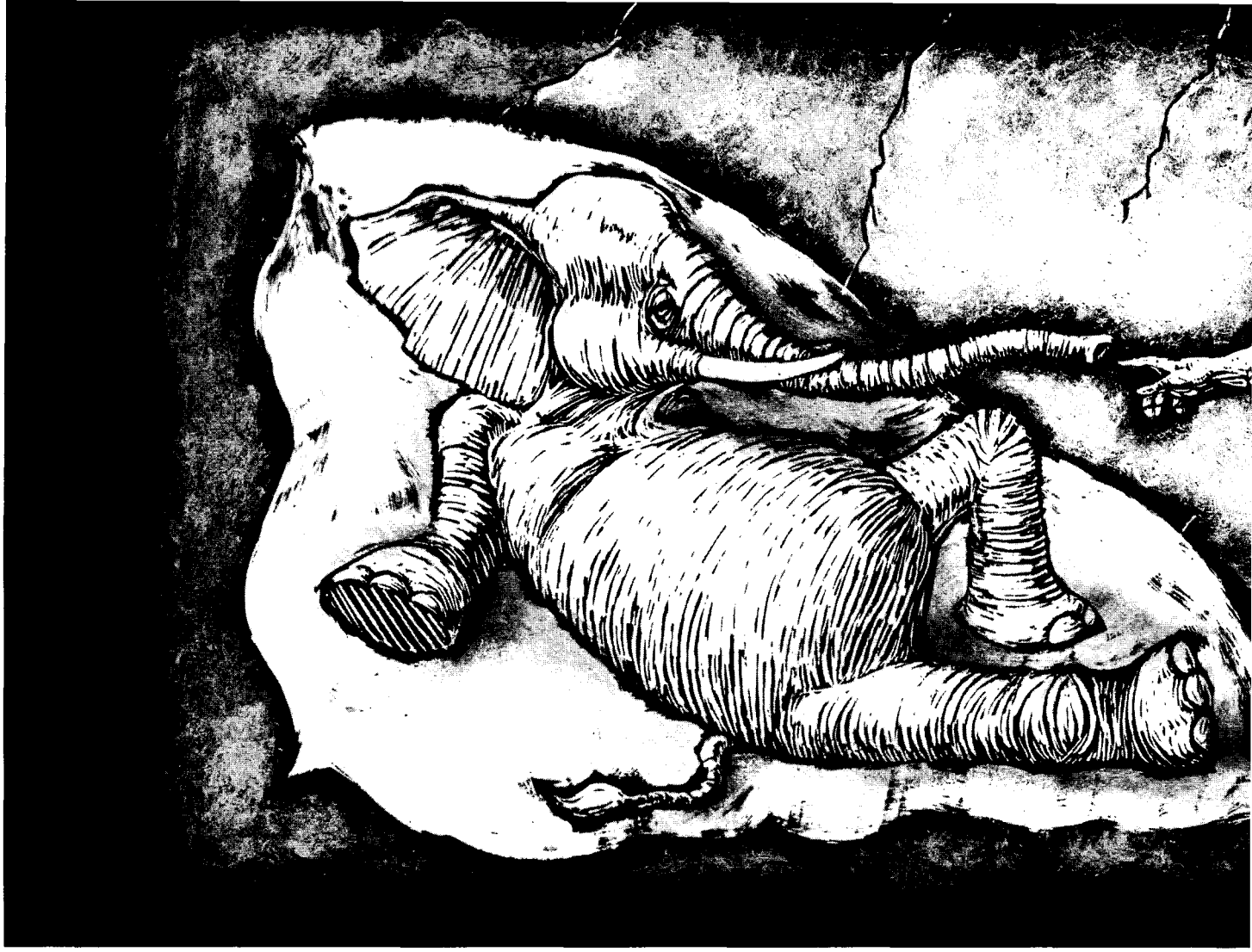

Uncivil war

Moderates and conservatives wage a bitter battle for control of the Republican Party

By Eleanor Shapiro and A.G. Block

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art by Polly Powell

For the Republican Party, the irony of this political season is simply put: Legislative term limits and a new reapportionment have positioned the GOP to finally emerge from the long shadows of minority status. But the Republican Party that is inching toward control of the Legislature is a party deeply fractured along ideological lines — so fractured that its victory may prove hollow. The party which has labored in the legislative wilderness for decades may yet snatch defeat from the jaws of victory, for the Republican Party is at war with itself.

"Right now, it's so divided, if there are enough Republicans objecting to the next [Assembly] leader, there could conceivable be a Republican majority and a Democratic speaker; or a Republican speaker supported by Democrats. Anything could happen in this environment," lamented former Assembly Minority Leader Bob Naylor, who himself was ousted from his leadership post by intra-party feuding.

This most uncivil war is being fought this year in the trenches of Republican Assembly primaries, mostly in the southland, with moderates on one side; conservatives on the other. At stake is the political direction of the party itself — and the future of its governor, Pete Wilson. Wilson, leader of the moderate wing, has been at odds with conservatives over a number of issues for many years. And things have only become worse since he took office. For example, the two sides bashed heads over tax and fee increases needed to balance the 1991-92 budget. And Wilson's 1991 appointment of moderate state Senator John Seymour to the U.S. Senate was a bitter pill for most conservatives. Wilson and the conservatives also are on opposite sides of the highly volatile abortion issue.

Thus, the lines are drawn. The troops are mobilized.

Moderates in the Wilson mold tend to be pragmatists. For the most part, they believe in government, with many having served in local government where non-partisan problem-solving is regarded as a virtue. They also tend to be pro-choice on abortion. Conservatives, on the other hand, believe that government is the problem. Most cling hard and fast to single issues. Many are Christian fundamentalists whose baptism of fire took place in the front lines of the anti-abortion movement. Others are anti-tax crusaders. As a result, most hard-right conservative candidates lack the breadth of political experience needed to stretch beyond a narrow interest. Nor do they seem to have much interest in

Eleanor Shapiro is a reporter for California News Service, a project of the University of California Graduate School of Journalism at Berkeley. A.G. Block is managing editor of California Journal.

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doing so. In the Assembly, they have proven to be obstructionists willing to cross Wilson at every turn (see "The Broken Elephant, *CJ*, October 1991).

There also are class overtones to the conflict.

"Conservatives bring expertise, talent and work hard — far more than the liberal wing of the party, with their chablis, correct parties and country clubs," argues one conservative Assembly member.

Goldsmith

Youngkin

Wilson

The notion of class differences within the GOP is borne out by research, according to Donald Kellermann, director of the Times-Mirror Center for the People and the Press. Moderate Republicans tend to be better educated and to make at least $50,000 a year, he said, while the hard right contains a greater number of blue collar and clerical workers.

The stakes for Pete Wilson personally in this conflict are high. Should moderates prevail, he could become an activist governor, working with a more-or-less unified caucus to produce — along with Democrats — enough votes to attack the state's fiscal ills with pragmatic solutions. If conservatives dominate the Assembly caucus, however, Wilson will be driven either to the right — or into the arms of Democrats. If neither side controls the caucus, Wilson can look forward to another two years of bickering, begging votes from Democrats and trying to convince enough Republicans to ignore intimidation from the hard right to pass part of his agenda.

Wilson has argued that the recalcitrance of the most conservative members of his party reduced his flexibility during last year's budget crises. Wilson had to go to Democrats to work out the basic budget compromise, then peel away enough votes in his own caucus to get the budget passed. He said it would have been better had he been able to go to the bargaining table with a united Republican front, then take the extra votes, one-by-one, from the ranks of Democrats. It's a position Wilson does not want to be in again.

As a result, conservatives insist, Wilson and his allies have jumped with both feet into Republican Assembly primaries. Suspicious conservatives contend that the governor, or his surrogates, have pressured groups like the California Medical Association, the real-estate association and the Association of California Life Insurance to plunge in on the side of moderates.

"If you examine their contributions," said one conservative political consultant, "every single one of them is to the governor's candidates."

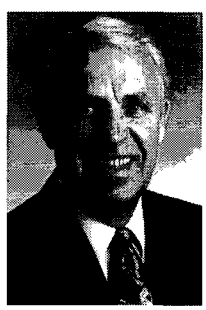
In the last weeks before the June 2nd primary, members of "Team 100" — fund-raisers who donate $100,000 to the party — reportedly were asked to contribute to moderate San Diego candidates locked in bitter struggles with opponents from the religious right.

For his part, Wilson never made a secret of the fact that he wanted to elect Republicans who would work with him. While insisting that no effort was made to orchestrate who would run, or where, Wilson political advisor Joe Shumate said the governor and his staff established criteria to determine which candidates they would support. According to Shumate, Wilson would remain neutral in a contested GOP primary unless a candidate was an ally or strong Wilson supporter; unless the governor was attacked; or unless the administration considered one candidate more winnable in November. That last criterion gave the governor plenty of wiggle room, for the flip side meant that the administration considered one candidate a sure loser to a Democrat.

But the criteria merely provided the governor with a pretext for involvement. The possibility of a GOP Assembly caucus dominated by hard-right conservatives provided the motivation. And there was plenty of evidence that hard-right candidates were gaining the upper hand in many of the primaries, while moderate candidates were floundering because of skimpy campaign treasuries. Thus, Wilson's involvement may have come out of necessity, for right-wing candidates have been receiving a boatload of financial help from a loose coalition of well-heeled contributors. Included in this group are Gun Owners of California, Fieldstead and Company, Container Supply, the Capital Commonwealth group from Garden Grove, Family PAC and various anti-abortion groups.

Toward the end of April, moderates responded with their own coalition to fight what they called "the Christian right." Focused to fight right-wing successes in San Diego County, the coalition targeted pro-choice voters, environmentalists and women's groups, according to the *San Diego Union-Tribune*. Among groups included in the moderate coalition were San Diego Republicans for Choice, the non-partisan Mainstream Voters Group, the Clearing House of San Diego and the Community Coalition Network.

Delaney



Daleke

Braly

The battleground centered in Wilson's home turf of San Diego in four Assembly races. It is here, too, that Team 100 reportedly concentrated its efforts.

- **75th District.** Poway Mayor Jan Goldsmith, a pro-choice moderate, faced off against Connie Youngkin, a nurse who spent time in jail for blockading family planning clinics as part of Operation Rescue. Youngkin twice lost bitter primaries to moderate pro-choice Assemblywoman Tricia Hunter. Wilson backed Goldsmith.
- **76th District.** In a district where voter registration favors Republicans despite the presence of Democratic incumbent Mike Gotch, moderate Ronnie Delaney was opposed by anti-abortion activist Dick Daleke. Here, too, Delaney earned the Wilson endorsement.

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• **77th District.** Former Chula Vista Mayor Greg Cox was endorsed early by Wilson in his primary with Steve Baldwin, another abortion foe and a former political consultant for the religious right. Cox was dubbed "Governor Wilson's liberal puppeteer" by the *Southern California Christian Times*.

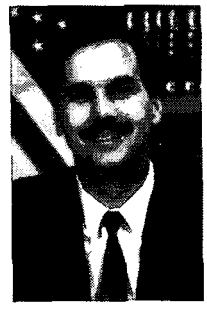
• **78th District.** In a solidly Republican district now represented by a Democrat, former Assemblyman Jeff Marston, a moderate with Wilson's blessing, and the former state executive director of the Christian Coalition, Dan Van Tieghem, battled for the GOP nomination. Democratic incumbent Deirdre Alpert awaited the result.

But San Diego was not the only scene of moderate-conservative skirmishes in Assembly primaries.

• **34th District.** In this San Bernardino and Kern county enclave, hard-right conservative Kathleen Honeycutt was well-organized from the start of this nine-way Republican primary, with phone banks and fund-raising up and

Cox

Baldwin



Haynes

running even before she declared her candidacy. Moderates Kathy Davis and Dick Pearson played catch-up throughout the campaign.

• **36th District.** Hunt Braly, chief of staff to retiring state Senator Ed Davis, was the only moderate among a bevy of right-wingers in this solidly GOP district in northern Los Angeles County.

• **37th District.** Oxnard Mayor Nao Tagasuki, a moderate, said Governor Wilson indicated he would like Tagasuki to win his primary with conservative Alan Guggenheim, who is supported by Christian fundamentalists. Wilson, however, did not officially endorse either candidate, although Tagasuki raked in $17,500 from groups associated with the California Medical Association. Conservatives see Wilson's hand in those contributions.

• **44th District.** Ten Republican candidates filed to run for this open seat. Conservatives, led by former Assembly Minority Leader Pat Nolan, aligned themselves with Bill Hoge, who picked up more than $25,000 from right-wing sources. Also on the slate was moderate Barbara Pieper, an old Wilson ally who did not earn his endorsement. Nolan is leader of the Assembly's most conservative faction and intervened heavily in party primaries when he was Assembly minority leader.

• **66th District.** In this western Riverside County district, ardent anti-abortion candidate Ray Haynes was the leading money raiser among seven Republican candidates. He is a veteran campaigner, having run surprisingly strong against the area's popular state senator, Bob Presley, in 1990. The moderate in the race was Ron Parks, the former mayor of Temecula, who is pro-choice.

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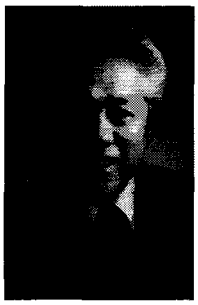
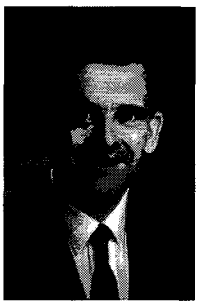
• **67th District.** Three incumbent Republicans ended up in this Orange County district, including moderate Tom Mays and right-wing conservative Nolan Frizzelle. The third incumbent, Doris Allen, is regarded as a problem-solver.

• **68th District.** Former Assemblyman Curt Pringle was a solid member of the Assembly's conservative faction during his brief, one-term tenure in Sacramento. His comeback was challenged by two moderate veterans of local government in Orange County: Buena Park Mayor Rhonda McCune and Westminster Councilwoman Joy Neugebauer.



Togasuki



Guggenheim

Pringle

• **69th District.** This seat is now held by Democrat Tom Umberg, but registration makes the district a toss-up. And on the GOP side, both candidates fall into the conservative camp. Jo Ellen Allen is president of the Eagle Forum; Virgel Nickell is active in the California Republican Assembly.

• **80th District.** Assemblywoman Tricia Hunter, a pro-choice Republican who survived two tough primaries against Connie Youngkin in 1988 and 1990, moved from her San Diego base into Riverside County. But she couldn't escape an anti-abortion primary opponent; this time, David Dhillon, an El Centro councilman backed by local Congressman Duncan Hunter (no relation to Tricia). Tricia Hunter is backed to the hilt by Governor Wilson, whom she supported during last year's budget fight.

Not all of the action takes place in Southern California.

• **5th District.** Near Sacramento, conservative Barbara Alby took another crack at incumbent Assemblyman B.T. Collins. Collins defeated Alby last year in a rough special election to replace Republican Tim Leslie, who had moved on to the state Senate. Alby actually won on election day but lost once absentee votes were counted. A leader in the ultra-conservative California Republican Assembly (not to be confused with Assembly Republicans), Alby received much help from fundamentalist groups, from gun owners and from anti-tax organziations. She also has been endorsed by fundamentalist members of the Assembly's GOP caucus.

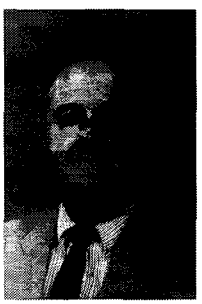
• **7th District.** Sacramento sheriff's lieutenant Larry Bowler, a conservative making his second run at the job, was opposed by Anthony Pescetti, a Wilson appointee in the office of the state architect.

San Diego provides most of the focus for both sides, however, partly because it is Wilson's home turf and partly because Christian fundamentalists enjoyed such a stunning success there in local elections in 1990. The threat to Wilson in San Diego cannot be minimized, even though only four of the Assembly's 80 seats are at stake, the party's rift runs deep there. In those 1990 elections, for instance, 60 out of 90 positions on little-noticed county boards and commissions went to candidates affiliated with the Christian right — a grass-roots revolution of sorts that could signal the erosion of Wilson's home base. Steve Baldwin, hard-right candidate in the 77th District, played a major role in those victories. His organization reportedly was based on membership lists obtained from churches. The lists were then compared against voter-registration roles to produce a phone bank that motivated the fundamentalist vote.

Moderates tend to pooh-pooh such successes. Although conceding that the religious right must be taken seriously in individual races, one Wilson ally argues that they don't have the strength they claim. "Where confronted, they tend to lose," he said.

But some ardently conservative candidates have shown themselves to be tenacious, rarely giving up after one defeat at the polls. The late Richard Longshore ran repeatedly for the Assembly against Democrat Richard Robinson in Orange County during the early 1980s, finally forcing Robinson to run for some other office. Youngkin, too, has been anything but discouraged by her two losses to Tricia Hunter. In Northern California, conservative David Knowles hammered at former Democratic Assemblyman Norm Waters for several years, through two elections, before finally ousting him in 1990. Many conservatives, especially those drawn to politics by a single issue, are crusaders — and crusaders tend to be zealots. Unlike Douglas MacArthur, zealots don't fade away.

Alby



Collins

Hunter

Over the past year, Wilson has made some attempts to placate his party's conservative wing. He hired Shumate, a well-respected political consultant, and former ARCO executive George Dunn as deputy chiefs of staff. Wooing conservative legislators and other conservatives is among their tasks. Plus, as explained by Wilson director of communications Dan Schnur, the administration is putting much of the blame for last year's budget rift on Democrats. "Their majority forced debate between one group of Republicans and another," said Schnur.

But Schnur ignores fundamental differences between Wilsonian moderates and hard-right conservatives over the role government should play in an ever-more-complex society. And those differences will not be solved when — and if — the Republican Party captures control of the Legislature. If anything, those differences will be exaggerated.

This is one civil war that won't soon be resolved. As the Republican Party lurches toward majority status, it is becoming painfully aware of a reality Democrats learned years ago — that marching behind the same banner does not mean everyone marches together.

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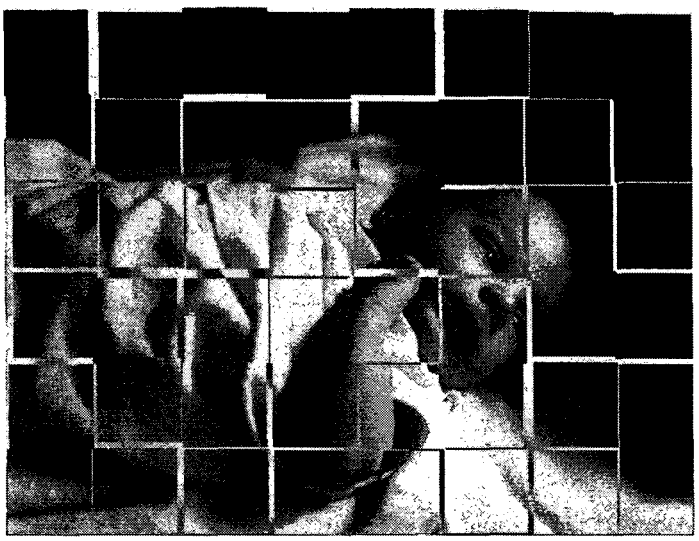
Drug exposed babies

Meager response to a growing problem

By Michaela Jarvis



The State of California is coming to the rescue of drug-addicted pregnant women in its fiscal-crisis wheels, an emergency vehicle about as sleek and fast as a tractor. In two years, state officials will determine the efficacy of Medi-Cal treatment programs now being put into place — programs that are designed to protect only about a fourth of the estimated number of poor, uninsured women in California who give birth to drug-exposed babies each year.

"Right now we don't have a system in place for drug-addicted pregnant women, and starting up a Medi-Cal program is an arduous task," said Gloria Merk, manager of the state office of Perinatal Substance Abuse. "Our plan is to just get the system in place, all the while knowing that it is inadequate to meet the needs as we know them."

"Then in two years, we'll determine if more money is available," said Sherry Conrad, deputy director of the same office.

As the currently planned programs are set up, a $1.8 million study of as many as 30,000 births will provide the state with more information on how to best locate and serve drug-using pregnant women, Merk said.

An estimated 80,000 drug-exposed babies are born each year in California. With about 20,000 of these babies born to women who rely on the state's Medi-Cal system for their health care and only about 5500 of those served by existing programs and programs being put in place since Governor Pete Wilson allocated $23 million, the debate is not about whether additional funding is needed.

The 20,000 Medi-Cal cases do not include a so-far uncounted population of working poor women who have health insurance that does not cover prenatal drug treatment, who may also be in need. "Our gut-level sense is there's also a lot of working poor women with no access to these types of services," said Susan Nisembaum, manager of the research and policy analysis branch of the state Department of Alcohol and Drug Programs.

Fetal drug exposure has been implicated in infant problems ranging from chronic irritability to lifelong disabilities and even to death. In response to a growing awareness of the problem, and a sharp upsurge in the number of drug-exposed babies born during the crack cocaine epidemic, urgently needed public dollars have been made available to treatment programs all over the United States.

"The federal government has recognized the severity of this and has been willing to cough up money in a fairly comprehensive way," said Katherine Kneer, program director for the March of Dimes. "And the state has learned from the feds.

"But no one would begin to say we have adequate funding for this situation. Programs to treat drug-addicted pregnant women are few and far between."

"We have plenty of clients. We don't have enough services," said Dr. Sylvia Villarreal, director of early childhood services at San Francisco General Hospital, where about 12 percent of the total nursery population is made up of infants exposed to cocaine before birth. "It's very difficult to get a pregnant woman into treatment. Often rehabilitation and detoxification are a male model. Once a female client gets pregnant, it becomes a challenge for many programs to help her. God forbid she's pregnant and has another kid.

"What we do is we get the babies afterwards. They're drug-exposed, and we sort of clean up."

State drug programs for pregnant women (only about 25 of the approximate statewide total of 400 publicly funded programs) have waiting lists three to six months long. The Department of Alcohol and Drug Programs estimated in March that at least 5400 women were waiting for drug treatment; an estimated 425 of those women were pregnant. The medical community estimates that about half of the women who use cocaine and heroin get no prenatal care at all.

"There are waiting lists for most drug treatment programs for pregnant women, yet these are people for whom you have to seize the opportunity to get them into services," said Dr. Don Wong, chief of neo-natology at San Francisco General Hospital. "If you can't get them into care when they

Michaela Jarvis is a freelance writer living in the San Francisco Bay area.

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show up in the emergency room, for instance, they are unlikely to come back."

Yet, despite Governor Pete Wilson having publicly slammed pregnant drug users as child abusers during his first state-of-the-state address, health officials agree that readily available treatment programs for these women, not jail sentences, are the only solution. "If you turn the health care system into a police agency, people won't access it," said Kneer. "We need a system that says, 'We want you, with all of your imperfections, and with your addictions.' If we give them different messages, we'll lose their trust. They're a very suspicious population." Following a recommendation of an interdepartmental state task force on drug-exposed infants, SB 2669 was passed last spring to discourage criminalization of drug use during pregnancy and to promote programs to treat drug dependency. State health officials, doctors and observers of the situation echo one sentiment: "Where we've put money and resources into treatment, we've had real successes."

"We know that pregnancy is a time when women can be motivated to make positive changes," said Kneer. "A lot of these women have an incredible need to be mothers, but they have big problems with their drug habits. If we support them better, we know their desire to be good mothers can motivate them to change."

Although prenatal drug treatment is expensive, particularly when it involves residential care, its price tag is dwarfed by the costs — not to mention the human toll — associated with a damaged child. The most critically ill of these infants easily run up hospital bills of $100,000 to $200,000 in their first few months on intensive care measures such as respirators and feeding tubes. According to state estimates, delivery and neo-natal hospitalization costs for infants born substance-exposed average about $36,000 per drug-exposed child. State Department of Health Services estimates that more than 20 percent of all infants admitted to intensive care units statewide are drug-exposed. Doctors estimate that every dollar spent on prenatal care results in a savings of $1000 that would otherwise be spent on premature infant care. Villarreal estimates this cost-benefit ratio is probably more like $1 in prenatal care vs. $2000 in treatment costs for infants when drug abuse is involved.

The long-term costs of caring for these children as they grow up are as yet indeterminable. The National Commission to Prevent Infant Mortality estimates they could go as high as $400,000 per child, including medical care, foster care and special education. The state Department of Social Services sets the cost even higher, at $70,000 per child, per year, for state development center services only. In contrast, the most expensive residential treatment program for the drug-addicted mothers costs about $23,000 a year. One such program, Eden Center in Los Angeles, reported a 100 percent rate of success in 1990, with none of its clients having subsequently given birth to drug-exposed children. Most residential programs report success rates of 90 percent or better.

Although fetal drug exposure preceded the peak of the crack cocaine epidemic in the late 1980s, little attention was focused on the problem until about 1989, "when people started becoming acutely aware of cocaine-exposed infants," said Conrad of the Office of Perinatal Substance Abuse, which was established by the Alcohol and Drug Affected Mothers and Infants Act of 1990 (AB 3010).

"We are now seeing children in the school systems who were the first to be born into the crack epidemic. They tend to have poor attention spans, greater tendencies for tantrums and may have learning disabilities," said Wong of San Francisco General. "With regard to how these children will develop, we don't have all the answers.

"We also see cocaine-exposed babies who are doing OK. I'm afraid of the stereotyping that's been done of 'crack babies.'"

People who work with drug-using pregnant women or drug-exposed infants agree that the "crack baby" syndrome, however serious, became a pop name for a phenomenon involving all kinds of drugs and all levels of society. March of Dimes' Kneer points out that women who use cigarettes and alcohol are also affecting their chances of having a child with medical or developmental problems. Fetal Alcohol Syndrome is characterized by problems in the central nervous system, growth deficiency, mental retardation and facial malformation. The percentage of children born to heavy-drinking mothers who will have alcohol-related birth defects is estimated at as high as 50 percent.

"We're still sending mixed messages," she said. "We seem to be saying if you drink alcohol you're great, but if you do crack you're bad."

The focus on crack causes another misperception about the problem of drug exposure in infants, since crack is largely seen as a problem of the minority slums. Minority women, many who have low incomes and rely on public clinics, are nearly 10 times as likely as white women to be reported to authorities for using drugs or alcohol during pregnancy, according to a 1990 state report on families and substance abuse. Epidemiological studies, however, have found an equal incidence rate of drug use in private hospitals as in publicly funded county facilities.

"Substance abuse during pregnancy is a problem that is extensive throughout all levels of society," Wong said. "This is far from being a minority problem or a problem of the poor. This is a problem of every perinatal unit in the country.

"The middle- or upper-class user is just not as likely to have to come forward."

Even as state dollars are spent through the Department of Alcohol and Drug Programs to make prenatal programs available and unify the message to pregnant women through a $450,000 media campaign, inconsistencies in state policy on the issue of perinatal substance abuse are apparent. Public hospitals, according to Wong, are increasingly pressured by state Medi-Cal officials working under the Department of Health Services to lessen the length of stay of drug-exposed infants, despite the infant's susceptibility to life-threatening complications.

"Medi-Cal has cut services; they've been unwilling to accept that an infant who has been drug-exposed needs to be observed up to a week for cocaine babies and two weeks for methadone-exposed babies," Wong said. "There certainly has been a more rigid stance on the length of hospital stay, specifically for the drug-exposed infant."

"I think you find, throughout, that there are inconsistencies in the approach," allowed Merk of the Office of Perinatal Substance Abuse. "It is ironic."

"The biggest barrier we have in working with the state is the departments find it hard to work together," said Kneer. "They've been trying to improve on that, but it seems terribly hard for them to just sit down and talk."

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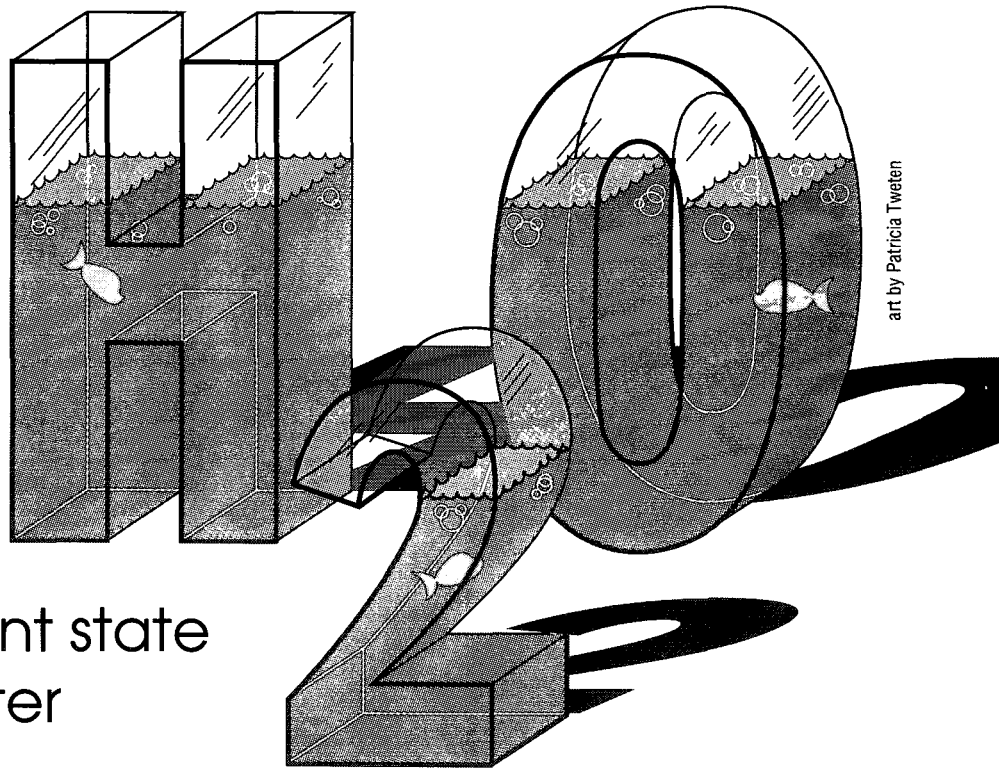

art by Patricia Tweten

Merging the giant state and federal water projects

By Michael Doyle

The planets finally aligned themselves this year, promising a new era for one of the West's largest and most controversial water projects — the Central Valley Project. Now, California's politicians, farmers and environmental activists are busily exercising their free will to shape the details of this different age.

While many specifics remain foggy, pending or-going negotiations, the broad outlines seem evident. Rivers and wildlife refuges will get more water from the vast Central Valley Project, some marginal farmland could dry up, and Southern California will be allowed to stick a straw into a water source heretofore dedicated to Central Valley farmers. Some city residents will probably pay higher power rates in the interest of environmental protection, and, not least, political reputations will be built up or eroded.

All of this — the first reshaping of the CVP since Congress authorized the massive web of canals and reservoirs in 1935 — is happening now rather than at some other time for a constellation of very specific reasons. The current year simply represents the maturing of elements long in the making.

"A lot of different forces have come together here — and maybe something good will happen," said Democratic Representative Vic Fazio of West Sacramento.

Several years of groundwork and maneuvering brought Congress to the point where the Senate in April passed one, very preliminary version of Central Valley Project reform legislation while House members are working out their own. With an election-minded Congress scheduled to call it quits early, and all controversies by no means quieted, there's still a fair possibility that a final compromise may be out of reach in 1992. In May, for instance, the poisonous old water-war rhetoric rose again, bringing up the possibility that politicians could fail to take advantage of the propitious moment.

Even so, consider the following:

- Six consecutive years of drought have forced California policy-makers to think long and hard about where the state's water is going; and this, inevitably, has spurred reconsideration of the federally owned CVP, which delivers about 20 percent of the state's water. With 238 mostly agricultural contractors between Redding and Bakersfield, the CVP provides the backbone for the state's $18 billion-a-year agricultural production. Unfortunately, it has also contributed to the loss of 95 percent of California's wetlands, the poisoning of areas like the Kesterson National Wildlife Refuge in western Merced County and the reduction in salmon spawning habitat from 3000 miles of usable streams to fewer than 300 miles. Where once the winter-run chinook salmon numbered over 100,000 on the Sacramento River, now there are fewer than 200.

A trickle of 40-year irrigation contracts serving the south San Joaquin Valley that started coming up for renewal in 1989 further focused attention on the irrigation project's environmental consequences. Legal challenges to the automatic renewal of these contracts, raised most notably by the Natural Resources Defense Council in federal court in Sacramento, and the realization that dozens of contracts will mature in the next few years, further retarded the resurgence of the status quo.

Politically, too, 1992 is a flowering of developments several years in the making. *Continued next page*

Michael Doyle is a reporter in the Washington D.C., bureau of McClatchy Newspapers.

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Governor Pete Wilson and his resources secretary, Douglas Wheeler, are showing a more activist vein than their predecessors. In Washington, on one side of Capitol Hill, Martinez Democrat George Miller is in his first full year as chairman of the House Interior and Insular Affairs Committee and in the ideal vantage point to push his long-held interest in reforming the Central Valley Project.

On the other side of Capitol Hill, Democratic Senator Bill Bradley of New Jersey shares many of Miller's goals and chairs the Senate subcommittee with jurisdiction over energy and water issues. Significantly, the wily chairman of the full Senate Energy and Natural Resources Committee — Louisiana Democrat Bennett Johnston — has likewise thrust himself into the California water fray. Johnston's motives may be complicated: He's a serious lawmaker whose committee positions and instincts get him involved in serious policy issues, and he commands a talented staff that doesn't shy away from big problems. He's also the proud father of Bennett Johnston III, a congressional candidate for the San Francisco House seat being abandoned by U.S. Senate candidate Barbara Boxer. Lobbyists and congressional staffers have spent more than a few minutes wondering whether there's some connection between Johnston's interest in CVP legislation and his environmentalist son's candidacy. Said one active player in the debate: "Everybody is convinced there is."

The Central Valley's agri-business interests, who until relatively recently thought they could hold off change, now have read the handwriting on the Capitol's wall. Though by no means united, the farmers who've had a lock on more than 80 percent of the CVP's water for decades have now made the significant decision to sit at the bargaining table. That means the question becomes not whether, but what kind of reforms will be wrought on the CVP. Some of this message has had to come from the top down as the valley's traditional political protectors let it be known that compromise rather than stonewalling has become the right approach. Environmental activists still complain that their opposite numbers aren't bargaining in good faith, but there are very real signs of progress.

"We're poised for change," said Jason Peltier, manager of the Central Valley Project Water Association. "We, the water users, acknowledge the need for change, so we're poised to take that first critical step — but we're also poised for battle. ... I'm frankly frustrated that we've had so much movement, and the environmental community is ignoring it."

It was the valley's farming interests, in conjunction with Southern California's powerful Metropolitan Water District, that drafted the CVP legislation introduced by Republican U.S. Senator John Seymour. The Seymour legislation is derided as insufficient by environmental activists and their congressional allies, with Bradley contending the measure "in its present form would represent a severe and unwarranted setback for the state of California." Seymour acknowledges his bill will change before it becomes law, while at the same time pointing his finger at environmentalists for "their utter lack of willingness to find a reasonable balance." Rhetoric notwithstanding, even congressional redistricting and pending Senate retirements have contributed to the momentum for change.

The California Supreme Court's redrawing of the state's congressional lines put Fazio into a more rural Sacramento Valley district. Fazio has always been a force to be reckoned with on water issues affecting the state, by virtue of his legislative skills and position on the pork-dispensing House appropriations subcommittee on energy and water. But with a new batch of farmers to represent, Fazio has thrust himself more aggressively into the policy debate over the CVP's future.

"Obviously, I have more interest in the subject," Fazio said. "I haven't changed my views, but I have a different district."

The enlistment of Fazio adds clout to the Central Valley's team, which back in 1989 was hit hard by the resignation of House Majority Whip Tony Coelho of Los Banos. Since then, Democratic Representatives Richard Lehman of Sanger and freshman Calvin Dooley of Visalia, in particular, have banded together to represent the valley's farm and water interests in negotiations with the reform-minded Miller. Though there was a moment earlier this year when it appeared that Lehman and Dooley might end up running against each other in the same congressional district, the two generally have worked together well. Last year, notably, the two hammered out a compromise on irrigation subsidy reform with Miller; the specifics of this reform proposal, which passed the House overwhelmingly, remain caught up in the larger fight over the CVP's future, but the fact of the deal shows the valley team's potential. Now, it could just well be that Fazio, Lehman and Dooley, with Democratic Representative Gary Condit of Ceres contributing his part, may prove a more stable force than if the valley were relying on a single congressional superpower.

A taste of the valley Democrats' capacity came in March when Johnston and Bradley wanted to move their version of CVP reform legislation out of committee. The measure would have guaranteed the Central Valley's fish and wildlife 1.5 million acre-feet of water annually, out of the CVP's average annual supply of seven million acre-feet. Seymour's legislation, by contrast, offered an eventual guarantee of 526,000 acre-feet of water for the valley's 15 wildlife refuges. (The amount of water being offered for environmental protection has become shorthand for larger differences, and is hardly the whole picture — but it's illustrative.) Seymour also would assure farmers a lock on their current 40-year contracts, and would provide about $8 million a year for environmental restoration. Johnston's proposal would have limited contract renewals to 20 years and provided about $30 million annually for environmental work, raised through fees on the CVP's water and power users.

Seymour didn't have to fear the defection of his fellow Republicans on the Senate Energy and Natural Resources Committee, but the panel's Democrats had little reason to help the freshman GOP lawmaker. Fazio, Lehman and Dooley helped peel two or three away from Johnston — just enough that the committee chairman on March 19th let the Seymour version pass through his panel as a temporary step. I don't like this bill, Johnston essentially said, but I can count votes. The Senate's action meant the issue was lateraled to the House for continued negotiations.

Not least among the reasons for final action this year is the pending retirement of Utah Senator Jake Garn. The Republican Garn badly wants congressional approval of the Central Utah Project's final stages before he blasts off

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into private life. The Utah project is one of the largest of more than 30 other irrigation facilities now legislatively attached to the CVP reform bill; and as the massive water projects bill starts to sputter, Garn's intense desire could provide just the fuel needed to overcome last-minute barriers.

When House and Senate negotiators finally do meet to iron out a CVP bill, their leaders will not share every interest. Miller, for instance, thunders about large farms receiving cheap water, such as the J.G. Boswell Company's 23,000-acre Boston Ranch in Fresno and Kings counties being split on paper so that it's eligible for $2 million a year in water subsidies. The existing laws are supposed to limit the subsidized rates to farms of 960 acres or less, but congressional investigators have found that smart farmers and their lawyers have come up with ways around these restrictions.

Bradley, while sounding none too pleased with subsidies going to J.G. Boswell and the valley's other large farming operations, quickly made clear that his interest is in reform of the CVP more than strictly tightening rules on which farms get subsidized water. Tactics dictated his priorities, at least in part.

"You can only digest so much," Bradley said in an interview. "If you're looking at the real reforms that affect California, it's [reform of] the Central Valley Project."

Intriguing trade-offs may happen when House and Senate negotiators meet, as Miller pushes his irrigation subsidy proposals and Bradley drives toward project reform. Another wrinkle in the negotiations will be the talks over a state takeover of the CVP, which formally began in mid-April.

The push for a state takeover of the Central Valley Project is a recurrent theme in the CVP's history; the facilities, after all, were first envisioned as a state venture. In 1945 California Chamber of Commerce President Harrison Robinson asserted in a statement included in that year's Congressional Record that "Washington is 3000 miles, and often 300,000 thought-miles away" from the people reliant on the CVP.

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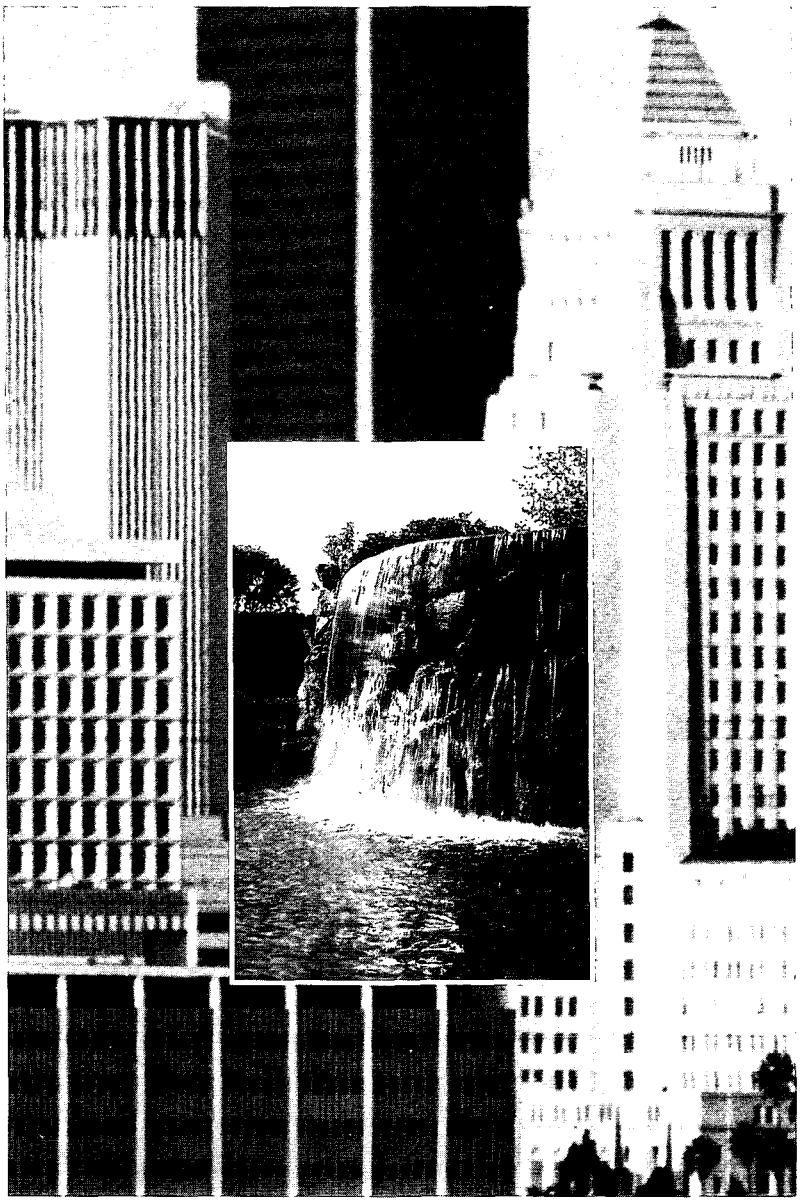

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nia," Robinson warned. The state eventually went so far as to commission a study of the feasibility of a takeover, but the momentum eventually faltered, in part because of questions over price.

Legislation introduced by Bradley in early 1991 called for a 16-member advisory panel to study a possible state takeover, with a recommendation due in December 1993. And, originally, Governor Wilson's administration sounded very cautious about the concept. "Integration of [state and federal] systems involves extremely complex technical, economic, legal, and policy issues that will take considerable study and effort to identify and resolve," Wilson cautioned in a May 8, 1991, letter to Bradley. Interestingly, Wilson's letter expressed support only for a study, but made no mention of going further.

The latest wrinkle came in late February. Senate staffers touring California water projects alerted *San Francisco Chronicle* environmental reporter Elliot Diringer to their interest in a possible state takeover of the CVP. And though the idea was not new, the political context had changed.

California farmers were so unhappy with the course of Senate negotiations — and particularly the proposal made by Johnston — that they wanted out. As one congressional staffer friendly to farmers put it: "If they weren't scared, no one would be considering this. It's a really catchy, sexy idea that only appears to solve serious, dirty problems." The *Chronicle's* story in late February (that indicated congressional interest in a state takeover of the water project) was quickly seized upon by the Wilson administration and farmers, and the long-dormant subject quickly achieved independent momentum.

By this March, Interior Secretary Manuel Lujan had modified his department's previous position from willingness to discuss a state takeover to "strong support for the transfer of the CVP to the state of California following negotiations providing reasonable terms and conditions." State and federal officials sat down together in mid-April, and the Wilson administration was proclaiming its interest in finishing the inordinately complex negotiations within six months.

Ironically, the CVP reform measure introduced by Wilson's protege, Seymour, in the Senate didn't mention at all the possibility of a state takeover. And despite the protestations by Wilson administration officials that their interest is sincere, cynicism abounds in Washington — on all sides. Miller and Bradley dismiss the negotiations as a distraction from the serious reform issue at hand, while Central Valley lawmakers and others aligned with the state's farmers likewise pay little attention to the talks.

"It's irrelevent to the process," Dooley said. "The transfer of the Central Valley Project is a much more complex issue than people have insinuated. We are not going to see a transfer in one year, or two years."

But for all the cynicism, top state and federal officials are pushing ahead with their negotiations. And ultimately, these talks that sprang from such political soil could well bear fruit; not, perhaps, in an outright sale of the multi-billion dollar CVP to the state within six months, but perhaps in a hybrid fix that includes the state managing the project in conjunction with reforms worked out as a compromise in Congress.

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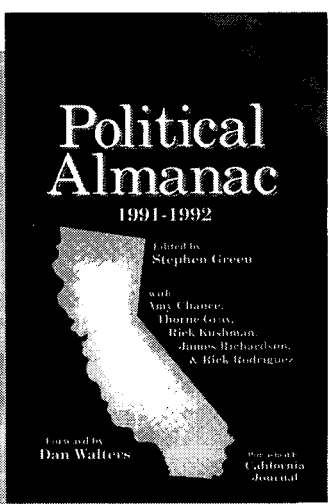

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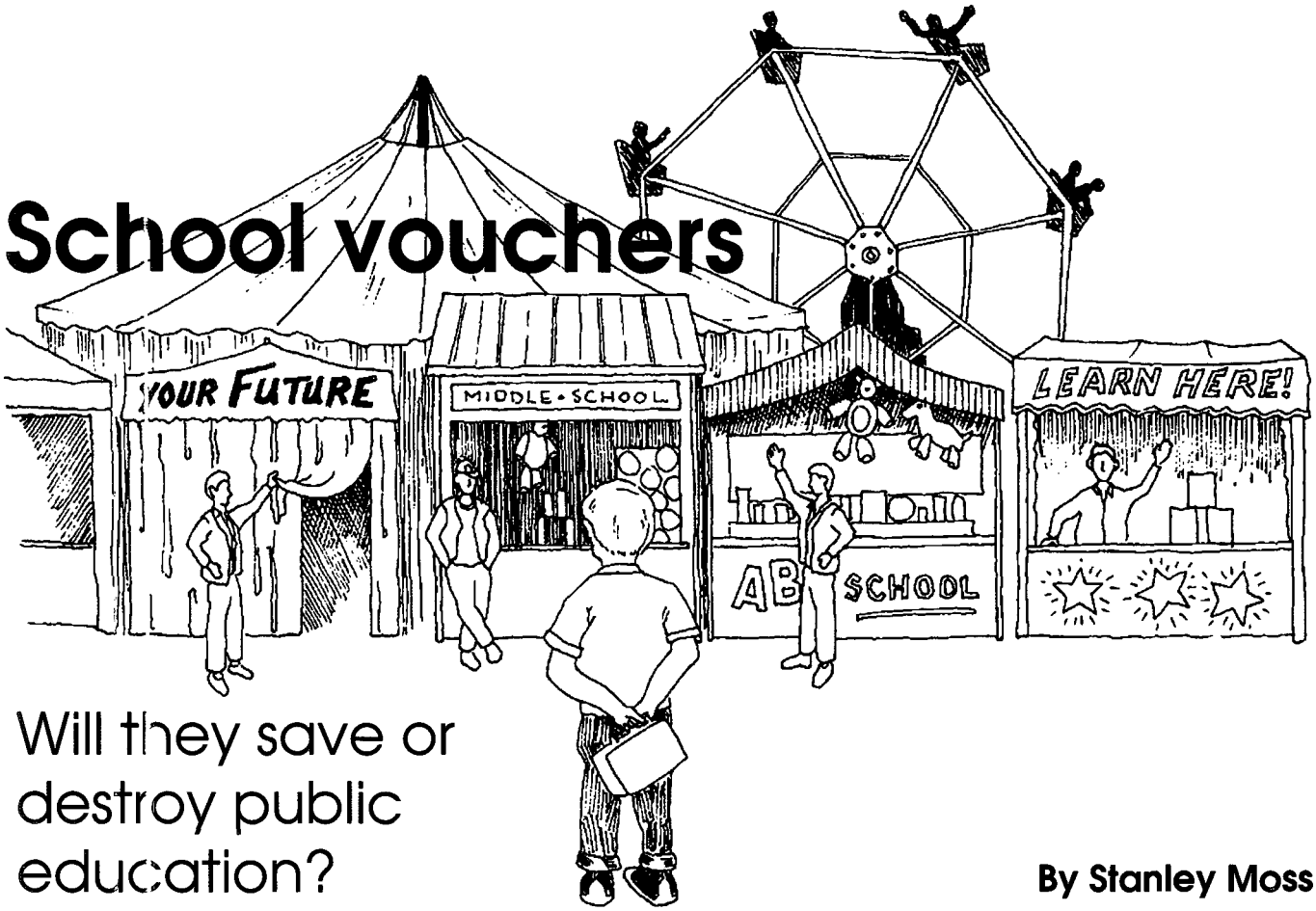

art by Rob Wilson

Will they save or destroy public education?

By Stanley Moss

The initiative that could turn California's public school system topsy-turvy appears headed for November's ballot. Long a favorite punching bag wherever people vocalize discontent with "the way things are," the school system could be knocked to its knees when the votes are counted.

That's assuming that something over 600,000 signatures on the initiative's petitions are validated as legal, allowing voters to decide whether to skewer or to save free public school education in California. In the last week of April, a spokesman for the initiative's sponsors, Kevin Teasley, said some 950,000 signatures would be turned over to the counties by that week's end for verification, leaving ample margin for the needed 600,000 plus to put the initiative on the ballot.

Sponsored by a group named ExCel (Excellence through Choice in Education) and backed to the tune of $1.5 million, the initiative is known as Voucher/Choice. Its stated purpose is to improve the quality of education, and it seeks to achieve this by allowing parents, starting with school year 1993-94, to choose the schools — private or public — they think most likely to meet their children's needs. The school of choice would be paid by a voucher issued to the child by the state. Also, beginning the following year, 1994-95, students enrolled in private schools as of October 1, 1991, would receive similar vouchers.

By pegging the voucher at 50 percent of what public schools receive for each student, based on average daily attendance (ADA), the initiative ensures that the voucher amount keeps up with ADA increases. This year's ADA payment to schools is $5200, making the voucher worth $2600 next year, if voters approve the scheme.

The day the initiative was made public its proponents were singed by angry blasts from all sides. Calculating the devastating cost of vouchers to be paid out of funds earmarked for the state's public schools, educators and others were certain ExCel's real aim was to destroy the existing public school system. Nine separate organizations joined together as the Committee to Educate Against Vouchers. They represented parents, teachers, school administrators, school employees, school boards and community colleges. "The initiative," they charged, "isn't designed to improve the school system [but] to destroy it."

Joseph Alibrandi, long-time vigorous critic of the public school system and, as ExCel's co-chairman, the moving force behind the plan, denies any such intention. "The objective here is not to move kids out of public schools into private schools. The objective is to improve public schools." Yet, at another point during a lengthy interview, he said, "People can keep talking about reforms [of the public education system] and all the rest, but I've come to the conclusion the system is the problem. I've given up on it."

Mary Bergan, president of the California Federation of Teachers (CFT), labels the initiative "consumer fraud." Doing nothing to improve the ability of schools to correct faults in the system, she asserts, it gives money to families already sending their children to private school. Thus, she stresses, families unable to pay the difference between $2600 and the "far higher tuition of the typical private school" will keep their children in the public system that ExCel criticizes as inadequate, and therefore they don't have the choice ExCel claims

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Stanley Moss is freelance writer from Los Angeles.

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it wants for everybody.

William Anton, superintendent of the Los Angeles Unified School District (LAUSD), condemns the initiative as meaningless to most inner-city students who lack means of transportation to schools they might select. "What about youngsters with special needs?," he asks. Will private schools take those with physical handicaps or who don't speak English or don't meet certain levels of comprehension? Potentially, he said, white students are more likely to opt for the voucher and leave the system, emphasizing further the minority aspect of the district. "Obviously, the most immediate consequence," he notes, "will be loss of income when we already are deep in trouble."

Historically, vouchers to underwrite education of children can be traced back to 1776, when Adam Smith wrote about them in "Wealth of Nations" and suggested they be given to parents to enable them to buy the educational services they wanted for their children. Even Thomas Paine, a few years later, developed a plan to provide tax rebates to parents unable otherwise to afford education for their children. A century later, John Stuart Mill recommended government assistance for such families.

And almost 40 years ago, the noted conservative economist, Milton Friedman, in his book "Capitalism and Freedom," criticized the inefficiency of public schools, pointing to the absence of innovation as characteristic of monopolies. He wanted the government's role restricted, however, to financing independent schools that would be free to set their own admissions criteria, except they could not discriminate because of race, and would have to meet minimum health and safety standards. Students would be allowed to choose among these schools. None of these proposals got beyond the idea stage.

As chairman and CEO of a multi-million-dollar aerospace company, Alibrandi believes strongly in the corporate principle of "rewards for success ... penal[ties] for failure." He sees rewards and penalties as "key ingredients ... to produce excellence." The absence of these leave school administrators, principals and teachers free to do less than their best, he feels. Fortified by lack of competition there is little incentive for them to satisfy the wishes and needs of parents and children. Heavy-handed bureaucracy and no real accountability for performance explain further, he says, why the system has failed.

Helen Bernstein, president of United Teachers of Los Angeles (UTLA), has a totally different perception of what ails public education. What appears to make her angriest are accusations that teachers simply don't care about the kids they teach, that they do less than their best because of the absence of rewards and penalties. "If a teacher is a bad teacher," she says, "there are plenty of rules to help that teacher out of the system. The person who dislikes a bad teacher most is another teacher."

As for the charge that it's the system's fault kids don't learn, she explodes pugnaciously. "Am I responsible because kids come to school unfed, underclothed, abused because of an alcoholic parent or because the family is so poor they have to pick crops in the middle of the semester? Am I responsible because someone threatened them on their way to school? Am I responsible for 60 percent of the kids on my class roll in September not being there in June?"

Bernstein yields to no one who criticizes the bureaucracy. "They want teachers to fit a mold and teach in a prescribed way." The cost of bureaucracy, she complains, deprives schools of much-needed supplies and books.

Bergan of CFT agrees. Teachers need more "real authority" in order to do their jobs right. "Too many dollars," she adds, "go to tracking other dollars to be sure money is well spent instead of those dollars going into classrooms."

A major contention of unfriendly critics of the existing school system is that, being a monopoly, it ignores the wishes of parents concerning the education they would like to see their children receive. Without competition that would spur correction of deficiencies, the system does little or nothing to improve teaching techniques, allow more creativity in the classroom and recognize the individuality of the children.

In a position paper this past December, the California Business Roundtable declared, "Market forces in some form are necessary ... However, public education is a complex enterprise" so whatever is done "must be carefully crafted to avoid unintended consequences." The Roundtable paper continued that it favored choice as "one of several structural changes" but that widespread extension of school choice to private and religious schools should be considered only when the effects of public school choice and other structural changes now being proposed are proven inadequate."

Two important religious groups have grappled with the initiative and the promise of its munifience. Catholic parochial schools constitute a large number of private schools that might expect a substantial increase in enrollments if the initiative should become law, to say nothing of the welcome subsidy to their students enrolled as of October 1, 1991. Far smaller in number, schools for young Jews nonetheless occupy an indispensable role among the orthodox and are a priority concern among conservative Jews who want their children informed about their faith.

Dr. Jerome Porath, superintendent of the Department of Schools in the Los Angeles Archdiocese, is extremely cautious in stating the view of the hierarchy regarding Voucher/Choice. Understandably, the Archdiocese adopted a most politic stance: the Archdiocese, he says, has not taken a position and is unlikely to, but is leaving to parents and individuals within the parishes and school system the right to state their position. Recognizing the widespread feeling about the separation of church and state, it was deemed wiser not to announce official endorsement of Voucher/Choice since that would call unwelcome attention to the use of taxpayer money to subsidize parochial schools.

As for the Jewish community, the Jewish Federation Council of Greater Los Angeles adopted a strongly-worded resolution opposing the initiative and urged its officials and staff to "join in any coalition of like-minded organizations and institutions to inform and educate the public as to the harmful consequences of such proposals." One such organization, the California State PTA, had voted immediately after the launching of the initiative signature drive to reject the voucher-redeeming plan as designed to steal dollars from underfunded public schools to ease the burden of private school fees on the "wealthy."

Ralph Flynn, executive director of the California Teachers Association (CTA), described the cost to public education of the Voucher/Choice plan as "humungous," spelling out some details. Every student who withdraws from one public school to go to another

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takes along a $2600 voucher to give to the school of his/her choice. According to Flynn, the school from which he/she has withdrawn loses not only the $2600 but the entire $5200 it was receiving for that student. If any important number of students leave a particular school and are not replaced to any extent, the school, probably already lacking sufficient funds, would be defunct and unable in any practical sense to serve its remaining students.

Virgil Roberts, president of a prominent record company and an Alibrandi colleague in another organization seeking to improve public education, said Alibrandi did have an interest in helping low-income minority kids get a better education. "But," he added, "this initiative doesn't do it. It comes across basically as a way for private schools to gain access to public funds."

The Los Angeles Educational Alliance for Restructuring Now (known as Learn), whose president and CEO is former Democratic Assemblyman Mike Roos, has been painstaking in its study of the problems confronting public education. Its advisory board is composed of outstanding business executives, educators and civic organizations. Despite the fact that Alibrandi, of ExCel, is a member of the board as a representative of the California Business Roundtable, Learn was forthright in describing the Voucher/Choice initiative as "ill-conceived" and "promis[ing] a 'magic bullet' solution-educational vouchers." Learn favors choice within the school system but adds, "By itself, choice cannot assure quality education for all students."

The initiative contains various other controversial features. The vouchers are not to be taxable as income; schools with as few as 25 students are eligible to accept vouchers; teachers need not be credentialed; no new regulations can be placed on private schools, voucher-redeeming or not, unless confirmed by a three-fourths vote of the Legislature or two-thirds vote of the local government body plus a majority vote by people within the local jurisdiction.

But, saving the most controversial condition after the voucher itself for last, the initiative requires that, "Within one year ... the Legislature shall establish an expeditous process by which public schools may become independent scholarship-redeeming schools" and operate as private schools. This doesn't exactly square with initiative proponents' claim that they don't want the public education system broken up.

Apparently timed in tandem with distribution of initiative petitions, GOP state Senator Bill Leonard of Upland sent the Senate Education Committee his bill, SCA 30, to amend the state Constitution. The wording of the bill is identical with that of the initiative. Leonard says the initiative proposal is "the fail-safe" device if the Legislature fails to do its job," meaning passage of his bill to amend the state Constitution. He doesn't hold out much hope for the bill's success, however.

"The bureaucrats who control education have their people on the [education] committees and probably will kill" it, he predicts. Leonard says he is "not out to subsidize private schools or destroy public schools. I want to break the back of bureaucracy that ... is stifling public education." He adds that, although he is "convinced" the voucher/choice idea is the only way to achieve needed changes in public education, "if there's a better way, yes, I'd consider it. ... My mind is not closed."

In February, the chairman of the Senate Education Committee, Democrat Gary Hart of Santa Barbara, and his Assembly counterpart, Democrat Delaine Eastin of Fremont, announced separately their introduction of separate bills calling for the establishment of "charter schools." Asked if they had worked together in framing their bills, Hart said neither knew what the other was doing but when he heard about the Eastin bill, he contacted her and they agreed to work together. There are some differences in the bills but, according to Martha Martinez, an Eastin aide, they should not be insurmountable.

Because of stepped-up activity regarding public education, and particularly the emergence of school vouchers into the spotlight, the stage may be set for legislation to experiment with the charter school concepts. In brief, the bills provide for charter schools to be like a school district, receiving state funding but not subject to laws generally governing school districts, being free to devise programs of a wide variety, to function more flexibly and to handle their own budget. They would be public schools with a revocable charter for up to five years and renewable for another five years. The number of such schools would be held to 100 in any school year. These schools are intended to "encourage the use of different and innovative teaching methods that improve pupil learning" and to give teachers greater responsibility for creating programs at the school site, thereby offering expanded educational opportunities within the public school system.

After the proposals on charter schools were announced, Leonard was reminded of his comment that his "mind is not closed" and he would consider other ways than vouchers to improve public education. In response he said, "My goal is to empower parents to have quality choices about the education of their children. Any program that does that I'm going to look at and be open-minded about — absolutely."

It is increasingly clear that California's public school system is on the cusp of important change. It is almost a certainty that Leonard's constitutional amendment will meet the fate he predicts for it: It will die in committee. What is uncertain, if the voucher/choice initiative is on the ballot, is whether the voters will make it law.

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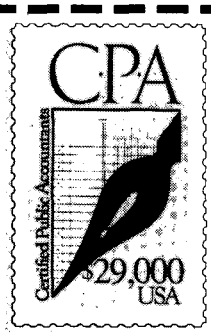

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June 17	**Lawmaking in California ...a comprehensive review of the legislative process**	Sacramento
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July

July 1	**Bill Analysis Workshop**	Sacramento
July 9	**Lawmaking in California** *(see June 17)*	**Los Angeles**
July 10	**Advocacy and Committee Protocol** *(see June 18)*	**Los Angeles**
July 24	**Budget Basics** *...a half-day program to help non-technical people understand California's budget process*	Sacramento

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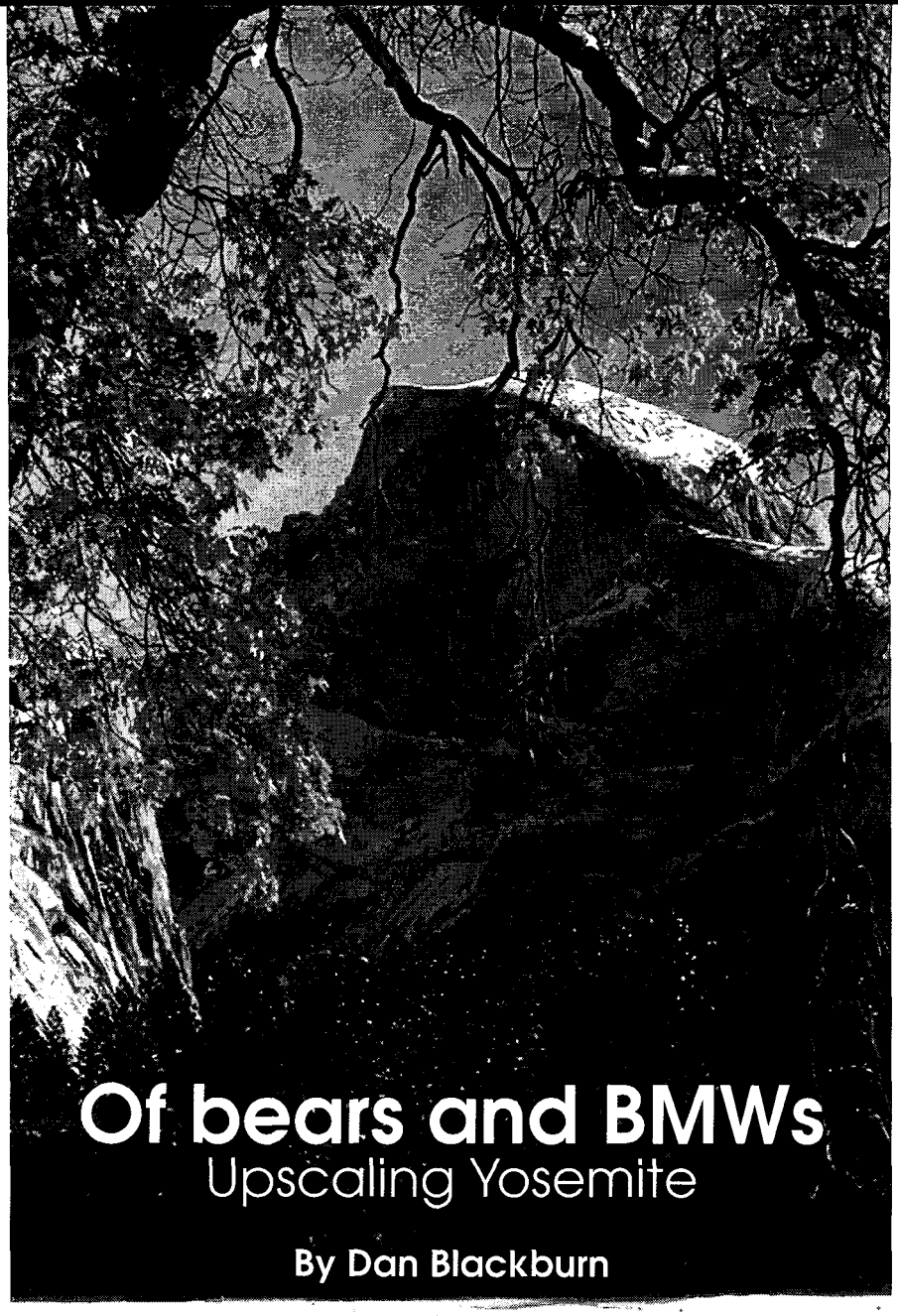

Of bears and BMWs

Upscaling Yosemite

By Dan Blackburn

Yosemite National Park sits as a sparkling gem in the center of the Sierra. And its valley — framed by the impassive face of El Capitan on one side and the glacially carved countenance of Half Dome on the other — is a lure that people have found irresistible. Last year alone more than 3.5 million people visited the scenic park. No wonder, then, that Yosemite is considered the crown jewel of the national park system.

Now, however, there is new trouble in this paradise because of a National Park Service proposal to make it even easier — or, at least, more comfortable — for more people to visit the often-crowded valley year round. Specifically, park officials are recommending that more modern motel rooms be built and more space provided for fast-food service.

Environmentalists are outraged and so, apparently, are many frequent park visitors. Bob Hattoy of the Sierra Club declared, "It's time to stop commercializing the valley. I think the regulators have gotten too close with those who need to be regulated. There's too much buddy-buddy stuff going on. And I think the Park Service sees Yosemite Valley as a cash register and not as a natural wonder that needs to be protected."

Hattoy and many others thought that the future of development in Yosemite had been determined with the adoption in 1980 of the Yosemite General Management Plan, which called for reducing visitor housing and imposing other limits, as well as for moving some Park Service structures and functions outside of the park itself, and improving the area's seriously congested transportation. But the plan never has been fully implemented and the changes now being put forward by the Park Service are designed to supplement the 1980 plan as far as concession activities are concerned.

Indeed, Park Service officials argue that their new proposal remains faithful to the goals of the 1980 plan but simply updates it to take a more realistic approach to the changing needs of visitors. For example, the number of day users visiting Yosemite has increased significantly since 1980, and park officials believe this necessitates providing expanded fast-food service.

Dan Blackburn is a correspondent for CNN in Los Angeles.

But critics say some of the proposed changes contradict the spirit of the General Management Plan. And the tenor of the debate has become increasingly harsh.

Wilderness Society representative Joan Reiss appeared at a news conference not only to denounce the plan but to insist that her organization would go to court to keep it from being implemented unless the Park Service agreed to almost a complete rewrite of the proposals. She told reporters, "We have carefully examined the draft concessions-services plan and we are deeply disappointed to find such an inadequate document for such a spectacular park."

Outside the park Post Office, a group of demonstrators marched to the beat of an Indian drum while carrying placards denouncing the proposed changes. And even some Park Service rangers raised the issue during their scheduled nature walks, telling curious tourists, "How much is going to be lost through development to the point where you lose the very reason you started coming here?" Some groups, including the Sierra Club, seized on the issue as an opportunity to capitalize on their historic environmental roots.

Perhaps the most heat has been generated by the proposals for adding more motel-style rooms in Yosemite Valley to accommodate overnight visitors. To some, the result is a matter of perspective. As presented by the Park Service, the new concession plan would reduce the total number of overnight rooms in the valley by 20 percent — a move that normally would be applauded

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by environmentalists and others worried about the impact of human visitors in Yosemite. As drafted, the proposal is designed to increase park visitation during the winter months and perhaps reduce it slightly during the more busy summer season. However, the problem lies in how the Park Service wants to go about changing the nature of the overnight lodgings.

Specifically, the Park Service would eliminate all existing cabins and indoor units without baths, along with 376 of the park's tent cabins. These would be replaced by 340 modern motel rooms and cottages with baths — mostly in the form of six, new two-story buildings to be built over an unspecified amount of time. The net effect would be a substantial reduction in the amount of low-cost housing in Yosemite Valley and an increase in upscale housing. Opponents charge that this would result in a "gentrification" of Yosemite. As long-time Yosemite activist Dean Malley put it, "I am deathly worried about my son's participation in this park in years to come because it is going to take an American Express Gold Card for him to play in this park."

These and similar concerns dominated much of the four days of public meetings held in late January and early February 1992 to give interested organizations and individuals a chance to comment on the new concessions plan. Many pointed out that rates for the new housing units would be twice as much as for old units being replaced. And, as the criticism mounted, park Superintendent Michael Finley seemed willing to reassess some of the housing changes. He said, "I've heard a great number of people concerned about social equity. Are we messing too much with the distribution of tents versus cabins? That's an important consideration. We will really go back and focus and look at that and see what is the proper number."

Of course, not everyone found the plan to add more modern rooms unacceptable. Eloise Horton and her husband have been visiting Yosemite for 45 years. They have stayed in the park more than 100 times, like things the way they are and think any reduction in housing is "ridiculous." Mrs. Horton summed up their argument by telling the public meeting in Los Angeles, "We want to preserve the park for future generations, but the present generation must be able to enjoy it, too. Not just the backpacker but also for those who do need a good bed at night." Her statement was applauded.

In fact, both the Park Service and Yosemite Park and Curry Company, which holds the concession rights in the park, have argued that most people who spend the night in Yosemite want to have modern rooms with a convenient bath. Technically, that probably is true. In January, the Park Service released a 155-page survey that showed that one of the biggest visitor complaints was the unavailability of enough rooms with baths. But a more careful reading of that survey also revealed that the cheaper housing units without baths are highly popular — being fully booked more than 80 percent of the time. The same survey also showed that the largest number of visitors to Yosemite tend to fall into two economic categories: families with incomes above $70,000 and those with incomes below $30,000. While justifying the need for more upscale housing, those figures also underline the demand for maintaining a substantial

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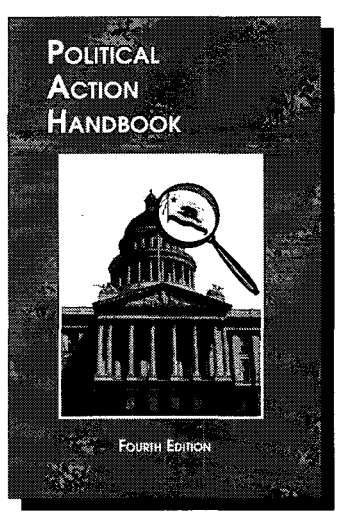

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amount of low-cost accomodations.

And there is another factor that raises some questions about the extent of the demand for increasing the amount of higher-priced housing in the park. Since 1980, 1,350 hotel and motel rooms have been built in the gateway communities around the edge of the park boundaries. And they often have vacancy signs. One of the newest is the 242-room Marriott Tenaya Resort in the small community of Fish Camp just outside one of the park's primary entrances. Yet that new hotel runs at no better than 60 percent occupancy year round, and in January had only 205 of its rooms filled.

Underlying much of the debate is the future of the concessions policy in Yosemite after next year. The current and controversial contract with the Curry Company will expire in 1993. It has been the most profitable contract in the national park system and, as such, the target of so much criticism that Interior Department officials and members of Congress have pledged never to allow such a favorable contract — considered heavily one-sided by most independent observers — to be signed again. It is clear that the conditions under which the next concessionaire will operate will be considerably tighter.

The concessions issue exploded in late 1990 when the Japanese conglomerate Matsushita purchased California-based MCA Corporation — parent company of Yosemite Park and Curry Company. After much breast-beating by Interior Secretary Manuel Lujan and a lot of opportunistic rhetoric by critics of the Curry Company, MCA agreed to sell its interest in the Curry Company to the National Park Foundation, an organization created by Congress to channel private contributions to the various national parks. In October of next year, the foundation will transfer all of the Curry holdings to the National Park Service, which then will lease them out to the highest bidder for a new Yosemite concessions contract. However, the new concessionaire also will be expected to pay off the $49.5-million dollar purchase price for the Curry Company holdings. Among the bidders are expected to be the newly created Yosemite Restoration Trust whose board members include representatives from both the Sierra Club and the Wilderness Society as well as other environmentalists, the Marriott Corporation, Disney and, of course, the Curry Company. Some critics think the new concession proposals put forward by the Park Service play most favorbly into the hands of the Curry Company as it prepares to bid for the new concession even though Curry Company officials privately have been sharply critical of key elements of the Park Service plan.

Although the housing aspects of the new proposal have been the most sharply criticized, other features also have been targeted — especially those affecting both families and tradition. The Park Service proposes to eliminate both the pony rides for children and the old ice skating rink. While some environmental argument can be made for both actions — the ponies do stray onto turf that can ill afford the trampling of small hooves, and the ice skating rink covers a small piece of ground that the Park Service wants to restore to meadow status — virtually none of the environmentalists involved consider either activity a serious issue, and Curry Company officials have labeled their elimination misguided at best. Cynics think they were added as bargaining chips because of their popularity with families. Park Superintendent Finley concedes that even his wife thinks removing the ice rink would be a mistake.

After the four days of public comment ended, the Park Service began to have second thoughts. In Washington, Director James Ridenour called the head of the Wilderness Society in for private talks with the clear implication that the plan was headed back to the drawing boards. No one would be surprised if a revised version surfaced for public comment late this spring.

All involved realize that more is at stake than simply the future of Yosemite. Because of its stature, what happens in Yosemite often becomes the blueprint for what later appears as policy in other national parks across the country. As one Yosemite enthusiast, actor Robert Redford, put it: "It can be a model for other parks across the country. They're all in disrepair. They're all in bad shape. They're all in the same danger of being overrun by commercial interests."

Under any set of circumstances, the Park Service proposal would have been hotly contested. But since this is an election year, the debate — which some have dubbed "the amenity wars" — has broader overtones. As has often been observed, in an election year, almost all politicians become environmentalists. And the sensitivity in Washington rises accordingly.

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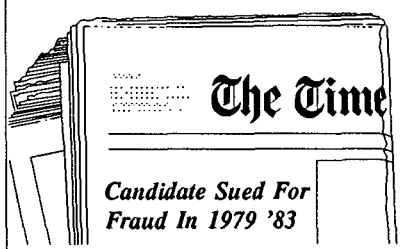

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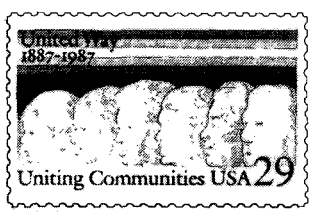

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BALLOT FRONT

A roundup of statewide initiative proposals. All statutes require 384,973 valid signatures; constitutional amendments require 615,958. In parentheses is the deadline for sponsors to submit signatures to county clerks, and the issue of California Journal *that contains a full explanation of each measure. To qualify for the November 1992 ballot, it is suggested that signatures should have been submitted by April 17, 1992. The qualification deadline for the November ballot is June 25th. The full texts of all initiatives may be obtained from the Secretary of State's election division, 1230 J Street, Sacramento CA 95814.*

New in circulation:

TERM LIMITS FOR CITY, COUNTY AND PUBLIC DISTRICT -- an initiative constitutional amendment, sponsored by Tim Patterson of Point Richmond, that imposes a two-successive-terms limit (or 12 consecutive years) on elective offices for city, county, city and county, and public districts. Eligibility may be regained after two full intervening terms from the last date of service. The measure would not apply to the elections of judges. (August 3rd)

BASIC HEALTH CARE COVERAGE — an initiative statute, sponsored by Carol Lee of the California Medical Association in Sacramento that requires employers to provide basic health-care coverage for employees and their dependents. The measure also requires that employee contributions not exceed 2 percent of their wages; eliminates duplicate coverage; and specifies the type of benefits, including prescription services. Among other provisions, health-care providers would be subject to enforcement powers of the Insurance Commissioner or Commissioner of Corporations. (August 10th)

TAXATION and **STATE TAXES** — a pair of initiative statutes, sponsored by Lenny Goldberg and Howard Owens of Sacramento, that increase state tax rates for maximum personal income taxpayers and alternative minimum personal income taxpayers; temporarily suspend indexing on personal income taxes; increase income tax rates for corporations and premium tax rates on unsurers; and increase the tax liability of banks and corporations doing business within and outside California. The measures also provide for reappraisal; of corporate-owned real property upon a specified change in ownership interests; impose a new oil severance tax; and repeal the sn ack tax and reduction of the renter's income-tax credit. The two measures are nearly identical, except that "State Taxes" defines corporate income to include specified excess employee compensation. (August 14th)

HEALTH CARE REFERRALS, SERVICES, COSTS — an initiative statute, sponsored by Stanley Kyker of the California Restaurant Association, bans a licensed health-care practitioner's referral of patients to labs, testing facilities or rehabilitation facilities owned by the referrring licensee or his or her family. The measure also requires a doctor to accept MediCal or Medicare patients unless 15 percent of the doctor's patient load is already on MediCal *and* 15 percent is on Medicare. Among other provisions, the measure sets up an Office of Medical Fraud in the attorney general's office and sets the maximum rate for annual fee increases assessed to employers if employers are required to provide employee health insurance benefits. (August 24th)

FINES AND BAIL — an initiative statute, sponsored by Norman Bedford of Healdsburg, that gears fines and bail to a person's ability to pay. (August 27th)

Continuing in circulation:

STATE BAR. ELECTED COMMISSIONER. ATTORNEYS — an initiative statute, sponsored by Ronald Price of Tustin. (May 18th; February 1992 *CJ*)

LIMITATION ON FEES FOR STATE PARKS. ENVIRONMENTAL LICENSE PLATE FEES — an initiative statute, sponsored by Mark Massara of San Francisco and Glen Spain of Comptche. (May 21st; February 1992 *CJ*)

BALANCED BUDGET. TAXES — an initiative constitutional amendment, sponsored by Lisa Hughes of Coto de Caza. (June 1st; February 1992 *CJ*)

TAXES. REFERENDUM — an initiative referendum, sponsored by Chris Fellerson of Elk Grove. (June 1st; February 1992 *CJ*)

GRAFFITI. GANG PREVENTION. SALES TAX — an initiative statute sponsored by Richard Spees of Oakland, Ernie Kell of Long Beach and Ellen Poll of Santa Monica. (May 26th, March 1992 *CJ*)

EXPERIMENTAL GAMING PROGRAM. COMMISSION — an initiative constitutional amendment sponsored by John Brown of Oxnard and Robert Wilson of Studio City. (June 8th, March 1992 *CJ*)

WATERSHED AND FOREST PRACTICES — an initiative statute sponsored by Glen Spain of Comptche, Cecelia Lanman of Redway and Gary ball of Talmage. (June 15th, March 1992 *CJ*)

STATE HEALTH CARE PLAN — an initiative statute sponsored by Michael Weinstein of Los Angeles. (June 19th, March 1992 *CJ*)

MINORS. DRIVING AND ALCOHOL — an initiative statute sponsored by Carla Lowe of Carmichael. (June 22nd, March 1992 *CJ*)

ENGLISH LANGUAGE INSTRUCTION — an initiative statute sponsored by Republican state Senator Frank Hill of Whittier and Stanley Diamond of San Francisco. (June 26th, March 1992 *CJ*)

REASONABLE ATTORNEY'S FEES — an initiative statute, sponsored by Norman Bedford of Healdsburg. (July 13th, April 1992 *CJ*)

AUTOMOBILE ACCIDENT INSURANCE — an initiative statute, sponsored by GOP Assemblyman Ross Johnson of Fullerton and GOP state Senator Frank Hill of Whittier. (July 17th, April 1992 *CJ*)

EDUCATION — an initiative constitutional amendment, sponsored by GOP Assemblyman Nolan Frizzelle of Fountain Valley. (July 27th, April 1992 *CJ*)

Qualified for November 1992 ballot:

TERMINAL ILLNESS. ASSISTANCE IN DYING — an initiative statute, sponsored by Robert Risley of Pasadena and Allan Briney of Whittier. (November 1991 *CJ*)

Petitions submitted for verification:

TAXATION OF FOOD PRODUCTS — an initiative constitutional amendment sponsored by Democratic Assemblyman Dick Floyd of Gardena. (December 1991 *CJ*)

PUBLIC EMPLOYEES' RETIREMENT SYSTEMS — an initiative constitutional amendment, sponsored by Ted Costa and Cliff Haskell of Sacramento. (February 1992 *CJ*)

SALES TAX — an initiative statute, sponsored by Democratic state Senator Art Torres of Los Angeles. (February 1992 *CJ*)

EDUCATION. PARENTAL CHOICE. SCHOLARSHIPS — an initiative constitutional amendment sponsored by Joseph Alibrandi of Los Angeles. (March 1992 *CJ*)

WELFARE. BUDGET PROCESS — an initiative constitutional amendment sponsored by Governor Pete Wilson. (March 1992 *CJ*)

TERM LIMITS. U.S. HOUSE OF REPRESENTATIVES AND U.S. SENATE — two nearly identical initiatives — a constitutional amendment and a statute — sponsored by Anita Anderson of San Francisco. (March 1992 *CJ*)

BASIC HEALTH CARE COVERAGE — an initiative statute, sponsored by Carol Lee of the California Medical Association in Sacramento. (See above)

Source: Secretary of State

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WASHINGTON PERSPECTIVE

By LARRY LIEBERT

Alan Cranston's swan song

Alan Cranston twisted arms with all the gusto he once put into the fight to defeat Robert Bork's Supreme Court nomination. He pleaded with colleagues to support his cause with all the passion he once devoted to ending the nuclear arms race. He marshalled his facts and statistics with all the authority that he once brought to passage of legislation to protect California's wild and scenic rivers. And he championed the constitutional prerogatives of the Senate with all the determination he once brought to weighty Constitutional struggles with conservative presidents.

Unfortunately, the issue to which the lame-duck Democratic senator from California devoted so much of his time, energy and fading influence was hardly as significant to the nation or to the home-state citizens who once could count on his constant attention and allegiance.

In what may be the last legislative struggle of his long career, the 77-year-old Cranston went into battle for the pet project of a 38-year-old New York socialite whom he has frequently dated: a crusade to redesign the back sides of coins. Some who have watched Cranston's strangely driven pursuit of the quirky issue may have been reminded of Elvis in his later years, going through the motions in an unintentional parody of better days.

Cranston has been pushing the coin redesign plan for several years. In fact, he boasts that he has won unanimous Senate passage of the idea 13 times — sometimes by attaching it to major housing and banking bills — only to have it blocked just as often by the House. But in the months since he was condemned by the Senate ethics committee for his role in the Keating Five string-pulling scandal, Cranston has spent his dwindling political capital on the coin quest with increasing abandon.

The culmination came on April 28th, when the Senate defeated, 75-22, Cranston's urgently offered motion to reject a House-Senate conference report on a popular bill to mint new commemorative coins. Cranston sought rejection of the agreement because the congressional conferees had stripped it of the disputed coin redesign plan at the insistence of House members.

Cranston's final quest is to enact a law ordering the recalcitrant U.S. Mint to issue coins with revamped flip sides honoring the bicentennial of the Bill of Rights. He insists that this will produce a windfall of revenue from coin collectors and others smitten by the new designs. This just happens to be the personal crusade of Diane Wolf, a Reagan administration appointee to the U.S. Commission on Fine Arts who has been Cranston's frequent companion.

"We are about to enter the longest period of time in American history without any redesign of any coin," complained Cranston, who has also blocked confirmation of a new director for the U.S. Mint to signal his determination to win this last great legislative campaign.

Cranston even portrayed the issue as a matter of defending the Senate's institutional dignity and influence against the House. "The other body obviously expects the Senate to back down," Cranston said. "I say we should not back down ... If the Senate fails to do this, the Senate would be yielding to the other body on a matter about which we have no reason to be weak and acquiescing. On the other hand, we have very compelling reasons to stand strong and stand firm."

As Cranston went on and on about the worthiness of coin redesign and the grand principles supposedly at stake, at least one of his Democratic colleagues could not hide his astonishment and irritation.

"It is unfortunate, bordering on the embarrassing, that we are having this debate this morning," said Senator Bob Graham of Florida. "The Senate of the United States should not be trivializing itself by continuing this debate."

"I do not view this as a trivial matter," Cranston retorted with deadly seriousness. "I do not view garnering a quarter of a billion dollars painlessly to the federal government to reduce the national debt as a trivial matter that we should not spend an appropriate time considering."

Some of Cranston's California constituents may have had reason to be angry as well as embarrassed by his coin quest. Cranston attempted to tie coin redesign to the popular measure to mint new commemorative coins even though House leaders had explicitly warned that would doom the entire bill. The new commemorative coins are to raise funds to spruce up furnishings at the White House, celebrate Christopher Columbus' voyages, support studies of the Constitution, award medals to all the troops who served in the Persian Gulf War and help U.S. cities host the World Cup soccer championships in 1994.

Yet Cranston insisted that his coin redesign provisions would be "the only part of the bill that benefits the whole American public in a measurable and very significant way. All the rest — allegedly so desperately needed right now — are proposals for semi-private fund-raising purposes that are not strictly government business. They raise millions of dollars for sponsoring organizations."

As one example, he scoffed that coins commemorating World Cup soccer would merely "benefit a few American cities that will host the games." The catch is that two of the cities to benefit were in Cranston's own state.

Opposing Cranston's efforts to risk the commemorative coin bill by saddling it with the coin redesign provisions, California's Republican Senator John Seymour said the World Cup commemorative was "particularly important to California."

"California has been fortunate as it has two sites — Stanford Stadium and the Rose Bowl — which have been selected for the games...." Seymour said in a statement placed in the *Congressional Record*. "Delay in passing the World Cup coin bill has cost U.S. cities millions in lost revenues."

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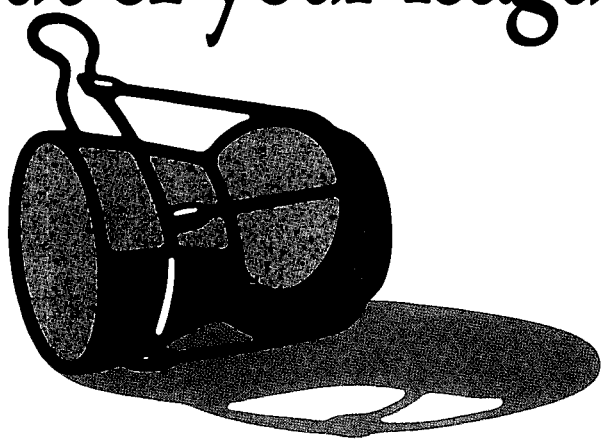

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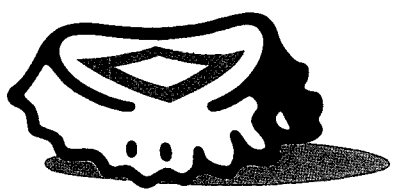

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